

EXHIBIT G

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
Civil Action No. 15-2932 (BRM) (TJB)

JOEL MARTINEZ

CONFIDENTIAL

Plaintiff

vs.

ORAL DEPOSITION OF:

VICKY MARTINEZ

COLONEL JOSEPH R. RUENTES,
SUPERINTENDENT, LT. COLONEL
PATRICK CALLAHAN, DEPUTY
SUPERINTENDENT OF OPERATIONS;
MAJOR KEVIN DUNN, DEPUTY
BRANCH COMMANDER, FIELD
OPERATIONS SECTION; JOHN
DOE 1, TROOP C COMMANDER;
JOHN DOE 2, SUPERVISOR,
TROOPER I JOSE G. RIVERA
(#6010), ACTING MAJOR MARK
WONDRACK; OFFICE OF
PROFESSIONAL STANDARDS;
CAPTAIN SCOTT EBNER, BUREAU
CHIEF, INTAKE AND ADJUDICATION
BUREAU, OFFICE OF PROFESSIONAL
STANDARDS, AND DSG ISMAEL
E. VARGAS,

Defendants.

* * * *

THURSDAY, APRIL 26, 2017

* * * *

MASTROIANNI & FORMAROLI, INC.
Certified Court Reporting & Videoconferencing
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Audubon, New Jersey 08106
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<p>1 2 3 4 5 Transcript of proceedings in the 6 above matter taken stenographically by 7 Theresa Mastroianni Kugler, Certified Court Reporter, 8 license number 30X100085700, Notary Public of the 9 State of New Jersey and the Commonwealth of 10 Pennsylvania at the law offices of Loughry and 11 Lindsey, LLC, 330 Market Street, Camden, New Jersey, 12 08102, commencing at 12:59 PM. 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 2 WITNESS INDEX 3 4 EXAMINATION OF MR. JOEL MARTINEZ 5 6 By Mr. Loughry Page 5, 105 7 8 By Mr. Marshall-Otto Page 89 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 3	Page 5
<p>1 2 APPEARANCES: 3 4 LOUGHRY and LINDSAY, LLC 5 BY: JUSTIN T. LOUGHRY, ESQUIRE 6 330 MARKET STREET 7 CAMDEN, NEW JERSEY 08102 8 856-968-9201 9 ATTORNEYS FOR THE PLAINTIFF, 10 JOEL MARTINEZ 11 12 NEW JERSEY OFFICE OF THE ATTORNEY GENERAL 13 BY: KAI MARSHALL-OTTO, ESQUIRE 14 RICHARD J. HUGHES JUSTICE COMPLEX 15 25 MARKET STREET 16 SECOND FLOOR 17 TRENTON, NEW JERSEY 08611-2148 18 609-633-8687 19 kai.marshall-otto@law.njoag.gov 20 ATTORNEYS FOR THE DEFENDANTS 21 22 23 24 25</p>	<p>1 (VICKY MARTINEZ, having been duly sworn, 2 was examined and testified as follows:) 3 (EXAMINATION OF MS. MARTINEZ BY MR. LOUGHRY:) 4 Q. Ms. Martinez, my name is Justin 5 Loughry. I'm the attorney for Joel Martinez in this 6 case and today is the day for your deposition. 7 We endeavored to serve you a subpoena 8 to bring you here today because you're not a party to 9 the case and that's the appropriate thing to do for 10 someone who is not a party but simply a witness. 11 I want to just talk to you about some 12 basic instructions about depositions and then we'll 13 get right to the questions. But it is a day for me 14 to ask questions about the subject matter of this 15 case that appear to me to be relevant to the case we 16 have going on, and it's your task here to answer to 17 the best of your ability, as truthfully as you can, 18 as completely as you can. 19 Do you understand that? 20 A. Yes. 21 Q. And you've been administered an oath to 22 tell the truth, the same kind of oath you would be 23 administered in a courtroom. 24 Do you understand that? 25 A. Of course.</p>

Page 6

1 Q. Have you ever had your deposition taken
2 before?

3 A. Never.

4 Q. So this is a process or proceeding
5 where we make a verbatim, word for word transcription
6 of the questions and the answers. Sometimes we go
7 off the record by agreement of counsel or because
8 somebody needs a break and then the reporter stops
9 taking things down, but for the most part the idea is
10 we're making a verbatim record which will become a
11 transcript. That is, it will be printed up and made
12 available to the parties in the case.

13 Now, on occasion, maybe more than on
14 occasion, the lawyers in the case or parties in the
15 case may ask a judge, maybe even the jury, to listen
16 to or hear some of the questions and answers and to
17 consider them for one purpose or another during a
18 proceeding.

19 A. Is that because -- well, I guess there
20 is a decision that's also made if people that you
21 have chatted with so far would actually become part
22 of a trial, is that how it --

23 Q. Yes. There may be a trial in this
24 case. If there is a trial proceeding, people can be
25 called as witnesses, live witnesses, but my point is

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1 that on occasion, for one reason or another, the
2 lawyers in the case may have occasion to have a need
3 to submit some of the questions and answers here for
4 consideration by a judge on a legal issue, on a
5 pretrial issue, maybe even at trial. Who knows?

6 And I say this only because we don't
7 have a judge, we don't have a jury, we don't have a
8 courtroom here, but I want you to understand that
9 it's just as important that we get the questions
10 clear and the answers truthful and completed as best
11 we can as if we were in court.

12 Do you understand?

13 A. Yes.

14 Q. Sometimes after a deposition people
15 will say, well, I wasn't paying that much attention
16 because we weren't in court and I didn't realize how
17 important this was. And that's why I make these
18 comments to you, because it could be that this
19 becomes evidence in court.

20 A. Um-hum.

21 Q. Okay?

22 A. Yeah.

23 Q. It's best if we have one person
24 speaking at a time, so if you do your best to let me
25 finish a question --

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1 A. Okay.

2 Q. -- and if the other counsel asks
3 questions after me, same thing, let me finish the
4 question before you give your answer and I'll do the
5 best I can to not interrupt you. It's easiest then
6 for the court reporter to get all the words that are
7 spoken.

8 It's important to make your answers
9 verbal. Some witnesses want to nod their head or
10 shake their head or shrug their shoulders and it's
11 hard to take that down, not impossible, but it's
12 hard. So if I find you're doing that, I'll probably
13 ask you please make the answers verbal so it can be
14 taken down.

15 Now, do you have any questions for me?

16 A. No, but I have never been part of
17 anything like this, so I think my first question, I
18 guess I had hoped that I can just be here and be
19 thorough, honest and then just move on and tomorrow
20 would be -- you know, because maybe I would never
21 have to think about this again. But it sounds like
22 that's necessarily true, but hopefully I can be very
23 helpful.

24 Q. And the truth of the matter is that the
25 course of events in the case is not solely the option

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1 or the choice of any one of the lawyers or even the
2 judge. It's a complex combination of factors that --

3 A. I understand that.

4 Q. -- decides ultimately whether the case
5 goes far beyond today or not very far beyond today,
6 we just don't know.

7 A. Okay.

8 Q. I take it you're not under any
9 medication or that kind of thing that would interfere
10 with your memory or your cognition today, are you?

11 A. No, I don't take any medicine.

12 Q. Okay.

13 If you need a break, let us know.

14 I don't think my questions are going to
15 take that long. I can't speak for other counsel. So
16 you might not need a break, but if you do, that's
17 fine.

18 A. Okay.

19 Q. So is it Vicky or Victoria Martinez?

20 A. It's Vicky.

21 Q. I probably should ask you your date of
22 birth?

23 A. [REDACTED]

24 Q. And do you now reside in Mercer County
25 in Lawrenceville?

Pages 6 to 9

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1 A. Yes.
 2 Q. At the school?
 3 A. Yes.
 4 Q. And what's the address?
 5 A. [REDACTED]
 6 Q. And that's Lawrenceville?
 7 A. At the Lawrenceville School,
 8 Lawrenceville, New Jersey, yes.
 9 Q. Is that the school housing, more or
 10 less?
 11 A. It's school housing.
 12 Q. And taking you back to April of 2013,
 13 is that where you lived?
 14 A. Yes.
 15 Q. And was that the home that you
 16 inhabited with Joel Martinez when you were married?
 17 A. Yes. One of them. We had been -- I'm
 18 sure you know, we were -- we moved to the
 19 Lawrenceville School in October, 2006.
 20 Q. And from that time on, that was the
 21 same residence?
 22 A. It was not. It was one of them.
 23 Q. Okay. One of them.
 24 A. We lived at 11 Craven Lane for one
 25 school year. And then we were moved to 20 Woods

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1 was there?
 2 A. Yes.
 3 Q. Do you remember the name of that
 4 fellow?
 5 A. I know he was Latino, maybe. I don't
 6 know if he was Peruvian. I don't remember his name.
 7 If I saw him on the street, I would know who he was,
 8 but I don't remember his name.
 9 Q. So he had some questions for you --
 10 A. Yes.
 11 Q. -- and then you gave the answers --
 12 A. Yes.
 13 Q. -- to those questions?
 14 A. He came to my office. That was
 15 actually quite stressful to try to disguise that
 16 visit. You could understand the complicated
 17 situation when your personal life spills over into
 18 your -- the workplace because of living where you
 19 work.
 20 Q. So in that conversation, in that
 21 interview, I take it you discussed or you gave
 22 answers to questions about the events of Mr.
 23 Martinez's arrest near that baseball field on the
 24 campus?
 25 A. Yes. That's what he was there to talk

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1 Drive. So it's the same block, different townhouse.
 2 And then we moved for three or four years to the
 3 Kirby House which is a dorm with 10th and 11th grade
 4 girls. And then we moved into [REDACTED] e. And I
 5 think we moved there in the fall of 2011. I haven't
 6 really thought much about that time.
 7 Q. And you're currently employed at the
 8 Lawrenceville School?
 9 A. Yes, I am.
 10 Q. Tell us what your position is.
 11 A. Well, my title is Associate Dean of
 12 Admission, Assistant Director of Multi-Cultural
 13 Affairs, Director of the Rising Scholars Program
 14 which is a summer program, varsity softball coach.
 15 Various other things, but those are the main things.
 16 Q. And did you have similar employment,
 17 similar positions back in April of 2013?
 18 A. Yes.
 19 Q. And how about back in the year 2011?
 20 A. Yes.
 21 Q. All right. Now, there was a time,
 22 wasn't there, in fact it may have been more than a
 23 couple years ago, but there was a time when you sat
 24 and gave an interview, a question-and-answer session,
 25 with a representative of the New Jersey State Police,

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1 about.
 2 Q. Now, as far as I can remember but I
 3 want you to confirm, until today you and I have not
 4 met each other, have we?
 5 A. I've never met you before.
 6 Q. And we've never spoken before today,
 7 have we?
 8 A. No, never.
 9 Q. Now, I spent a minute or two talking to
 10 you out in the hall here before we came into the
 11 deposition and I just want to ask you about that.
 12 A. Um-hum.
 13 Q. Did we actually discuss the facts of
 14 this case?
 15 A. No.
 16 Q. And was I trying to -- did I give you
 17 more or less a preview of the questions I would be
 18 asking you in the sense I'm going to cover one or
 19 more areas and I wanted to let you know what this was
 20 going to be about?
 21 Is that what I did?
 22 A. You kind of did that. I mean you just
 23 kind of relaxed me. I was a bit nervous about today.
 24 Q. Do you remember me talking about the
 25 fact that we may have to ask you some pretty personal

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Page 14

1 questions --
 2 A. Yeah, and I appreciate that because
 3 this is -- like can be hard, I think. So that's what
 4 you said.
 5 Q. I mean did I suggest to you at any
 6 point what your answers ought to be?
 7 A. Nothing like that. Of course not.
 8 Q. And you did receive a subpoena to be
 9 here?
 10 A. I did.
 11 Q. And that subpoena, did it have my
 12 office's name and information on it?
 13 A. It did. Sorry it took forever to
 14 actually get it to me. I coach three different
 15 softball teams and I'm never home.
 16 Q. I can well understand that.
 17 All right. So let me get right to the
 18 questions I want to ask you today.
 19 First of all, I'm going to play just
 20 maybe a minute or two and --
 21 A. Sure.
 22 Q. -- I probably won't start at the
 23 beginning --
 24 A. Sure.
 25 Q. -- because the beginning is full of a

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1 that.
 2 A. I wasn't sure.
 3 Q. So let me just play 20 or 30 seconds of
 4 this.
 5 A. Sure.
 6 (Audio playing)
 7 BY MR. LOUGHRY:
 8 Q. Now, have you had a chance to hear the
 9 voices on this tape?
 10 A. Never.
 11 Q. I'm asking in this last 30 or 45
 12 seconds, were you able to hear the sound that I've
 13 played?
 14 A. I did.
 15 Q. Did you recognize your voice?
 16 A. Yes, of course.
 17 Q. And is that, as far as you can tell,
 18 this was the beginning of the back and forth between
 19 you and this --
 20 A. I don't remember, but based on what we
 21 were talking about, absolutely. He's trying to
 22 figure out kind of how, I guess, I got to
 23 Lawrenceville maybe, because I obviously told him
 24 that I'm from California and got to Princeton for
 25 college in 1997, right? So.

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1 lot of commentary by the --
 2 A. I couldn't even -- I have three really
 3 busy kids and there is no normalcy in any season of
 4 my life. I couldn't even tell you the year that I
 5 spoke to this gentleman.
 6 Q. I understand.
 7 A. Several years ago.
 8 Q. What I want --
 9 A. Would you be able to remind me?
 10 Q. I'm not sure I have the date.
 11 A. Okay.
 12 Q. Before we leave here today, I might
 13 able to get you the date.
 14 A. I would guess 2015 maybe.
 15 Q. That probably is right, but it could
 16 have been earlier.
 17 So I'm going to try to move this
 18 closer, maybe, you know, two minutes in, so we make
 19 sure we get to your voice rather than the preliminary
 20 comments from the State Police Officer.
 21 A. Did he ever turn off the recording, do
 22 you know or do you know?
 23 Q. It's not place to answer questions --
 24 A. Okay.
 25 Q. -- but I have no information about

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1 Q. Maybe I can just ask you generally, in
 2 terms of your conversation with the investigator that
 3 day this was the fellow that you said might have been
 4 Peruvian or --
 5 A. I think so.
 6 Q. Did you do your best to tell him the
 7 truth?
 8 A. Absolutely.
 9 Q. And did you, after giving the
 10 statement, did you have any reservation about that?
 11 Did you go away and say, boy, I don't think I got
 12 something right or I don't think I was truthful?
 13 A. No, I tried to tell the truth as I
 14 remembered it. And, you know, it was fresher then,
 15 right? So, you know, I was quite uncomfortable at
 16 the time when he asked some questions about the
 17 relationship I had with Trooper Rivera. And
 18 reflecting on the conversation I did with him -- I
 19 had with him, what I felt was more and more
 20 confidence, you know, as the days and weeks passed
 21 after that interaction with investigators, that I
 22 just -- I felt like I held my own and I was able to
 23 stick to the facts. And that's what I had set out to
 24 do. But certainly when you're in the moment, it's
 25 hard. And I think also the male/female dynamic. And

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1 also, to be honest, kind of the Latin man dynamic,
2 that was just -- I think I was super emotional and
3 embarrassed and I had all kinds of complicated
4 feelings. I'm not sure I would have if it had been
5 somebody who was not a Latino man. Like if it were a
6 white woman, I think it would be very different, we
7 could be just kind of more cold about things and
8 straightforward. But I do get that he was trying to
9 connect with me because he wanted me to feel
10 comfortable, but I didn't necessarily feel
11 comfortable. I don't know if it's what a woman feels
12 about, you know, like why are you so nosey and why do
13 you care, and why do you -- you know, so it was just
14 weird. It was a weird vibe.

15 Q. All right. I understand. And I'm
16 going to just ask you a couple of questions.

17 A. Sure.

18 Q. It's not my purpose here --

19 A. And I went on. So I'm sorry.

20 Q. It's not my purpose to ask you a lot of
21 leading questions here today.

22 A. Okay.

23 Q. That's really more for
24 cross-examination, but it might be easier to just get
25 the background facts, if I do that. You might feel

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1 A. No.

2 Q. All right. So the relationship went on
3 for some months after that?

4 A. I wouldn't -- it was not physical, it
5 was more -- I mean obviously he had become a friend
6 before anything, and so I think it's hard to
7 understand if you're on the outside and don't really
8 understand the friendship and intimacy and connection
9 and trust that you might have with another person,
10 but, you know, if things didn't explode and then I
11 was left to deal with everything by myself, he's a
12 really wonderful man and cared and wanted to make
13 sure that I was going to be okay. And certainly
14 being that I was very confused, scared, had a lot of
15 very intense emotions and with no real time to handle
16 a lot of my emotions because I had three much smaller
17 kids at the time.

18 Q. How old were your kids?

19 A. In '10 and '11, my youngest was four,
20 right? Yeah, she was four and six and seven. So
21 they were little.

22 Q. You hands your hands full?

23 A. Yeah. So how do you actually have time
24 to deal with -- I mean I still don't, but it's
25 different, of course. It was a very intense time in

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1 more comfortable, you can tell me if I'm wrong.

2 A. Okay.

3 Q. So is it correct that just for purposes
4 of setting the context here that in December of 2011
5 you were married to Joel Martinez, is that right?

6 A. Yes.

7 Q. But you had an affair, an intimate
8 relationship, with this Trooper Jose Rivera around
9 that time, December, 2011, is that right?

10 A. Yes.

11 Q. And that was something that -- and not
12 to belabor the obvious, but it was something that you
13 did, I'll say, in secret or covertly? That is, you
14 didn't tell your husband before the affair that you
15 were going to do that, it's something that happened
16 and he found out afterwards, is that right?

17 A. That's right.

18 Q. And in fairly short order, there was a
19 point where Mr. Martinez apparently found out about
20 this?

21 A. Yes.

22 Q. And after that, in fairly short order,
23 you and Mr. Rivera changed the nature of your
24 relationship, you stopped having a physically
25 intimate relationship, is that fair to say?

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1 life for both of us. And so, you know, I don't think
2 that anybody, not Joel, not Jose, not you guys
3 sitting here today have the time to listen to me to
4 maybe come to a place where you might understand why
5 it would not have been okay for me to be absolutely
6 alone with nobody to talk to because nobody would
7 have understood. So it was scary. And I harmed one
8 man, I was dishonest, I harmed him.

9 Q. You're talking about your husband?

10 A. Yeah. And so there was absolutely
11 going to be a lot of pain, a lot of anger and
12 disappointment. And I mean life was flipped
13 completely upside down. And I know why -- I know
14 what I did to cause that. And at the same time when
15 you're, you know, going through life and you learn
16 things through connections with other people, through
17 some maturity -- I mean I met my husband at the time
18 when I was 20 years old, right? I met him when I was
19 20.

20 Q. You're talking about Joel?

21 A. Yeah. Yeah. And so I think that I
22 changed quite a great deal from when I met him to
23 when this incident happened. And obviously our
24 marriage was not in a very good place, that maybe has
25 no bearing on what's happening today or what I need

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1 to talk to you about today, but when I think about
2 how and why I could have been in a place where it was
3 possible to have a connection with somebody outside
4 of my marriage, I can't help but think about some of
5 the void in the space -- in my mind and in my heart
6 and physical relationship and all those things that
7 you do to interpret a relationship. And so me being
8 this other person, a person who has had to decide do
9 I ignore this. You know, it's something that you
10 feel caused you to think about how you should be
11 living your life and how one can care and be
12 thoughtful and -- you know, I fell in love with this
13 other person which I feel horrible about because I
14 was married to another man. So I am so probably off
15 topic right now. I don't even remember what you were
16 asking me.

17 You wanted to know, I think, if I was
18 still in touch with him after my husband at the time
19 found out?

20 Q. And the only reason I'm asking these
21 questions, I really don't want to invade --

22 A. I'm fine.

23 Q. -- I don't want to invade the inner
24 reaches of your emotional life.

25 A. Not at all. I have nothing to hide at

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1 But she did knock on the door. It was
2 later in the evening. In fact, that night I had gone
3 to my office which is just steps away to work on
4 house reports. And I did that on occasion just with
5 my kids in bed, you know, and Joel maybe watching one
6 of his shows. It was not uncommon to just go to my
7 office and finish something.

8 You know, at the same time, obviously I
9 was at a place in my relationship with Jose where it
10 was not uncommon to meet and touch if he was home, if
11 I was home, and if there was an opportunity to see
12 one another, then we might do that. And so this
13 particular night, I know that we didn't plan on
14 meeting when I had gone to my office, but we did.
15 And I had already talked to Joel, he was going to
16 bed, so I was -- I was able to meet him that night.
17 And maybe it's neither here nor there, but it was a
18 pretty intense time for all of us because he had told
19 his wife weeks prior, maybe even a month prior, about
20 his relationship with me. And so that was, I'm sure,
21 brewing some very difficult conversations in their
22 home.

23 I give him a lot of credit for that and
24 it actually meant a lot to me that I was important
25 enough to him that he would talk to her about

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1 this time.

2 Q. So let me just maybe ask a couple of
3 very specific questions.

4 A. Sure.

5 Q. Do I have the right impression that it
6 was sometime around Christmas of 2011 that Mr.
7 Martinez discovered or found out that you were having
8 an affair with --

9 A. Yes, a few days before Christmas.

10 Q. -- Mr. Rivera, is that --

11 A. Yes.

12 Q. Okay.

13 And just broadly speaking, and again,
14 you can give us all the detail you want, but I'm
15 trying to keep this as narrow as I can maybe for
16 everyone's sake.

17 Did there come a point where Trooper
18 Rivera's spouse, his wife, a woman named Raquel --

19 A. Um-hum.

20 Q. -- somehow communicated this news to
21 Mr. Martinez?

22 A. Yeah. She knocked on our door when we
23 lived in the Kirby House. Thankfully it was -- the
24 students had gone for the holiday break or I might
25 not be working there anymore.

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1 something so difficult. And so that he wanted to
2 meet with me that night, it was a pretty heated
3 we-need-to-talk. And I said to him, I've already
4 said good night to Joel, I know my kids are in bed,
5 okay, where can we meet? And so we met at Houlihan's
6 which wasn't too far, but, you know, I knew it was
7 going to give us some time to talk because I think it
8 closed at 2 AM or something.

9 And then he received a phone call while
10 we were sitting there talking and he said I'll be
11 right back because he knew that she was outside based
12 on what she had said to him.

13 Q. Outside of?

14 A. Houlihan's.

15 Q. Oh, yes.

16 A. So she knew where he was going and he
17 was very upfront with her about a lot of things
18 throughout this whole process, including where we had
19 headed to chat. So he asked for a minute so he could
20 go outside to talk to her and maybe bring her inside,
21 I don't know, I mean what a situation, but he
22 returned alone and said she left, but I know that she
23 saw us here.

24 We continued to talk and it was a
25 complicated conversation because I'm not supposed to

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1 be there, she knows we're there.
 2 She and I had had a few conversations
 3 over the phone about my relationship with her husband
 4 and after our conversation that night at Houlihan's,
 5 we both went our separate ways. And before I could
 6 get home, he called me to say don't go home because
 7 she is not at our home, so she must be at your home.
 8 And so I didn't know what to do. I
 9 parked in the parking lot of a little kind of
 10 medicine business complex on my way home to see if
 11 she would get home so I could have some kind of
 12 confirmation. And sure enough, she got home and the
 13 three of us had a conversation, you know, over the
 14 phone.
 15 And I would hope you would understand
 16 how I was so -- I was so hesitant to drive home. At
 17 this point it's two in the morning and what I know is
 18 that she told my husband about our relationship
 19 and --
 20 Q. You found that out, that she had told
 21 Joel?
 22 A. Yeah, because she got home.
 23 Q. Okay.
 24 A. And I don't like to call our
 25 relationship an affair. I know what it was. I know

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1 Now, at that point, Joel Martinez, he
 2 was not still living with you, was he?
 3 A. He was not.
 4 Q. Had he moved out a couple months
 5 before, something like that?
 6 A. Gosh, if I recall correctly, it may
 7 have been like six weeks before. I feel like it was
 8 between one and three months, but maybe closer to
 9 two. And I feel like it was March, but I could be
 10 wrong.
 11 Q. And at that point, as of that, you
 12 know, date toward the end of April, you hadn't
 13 actually spoken to Trooper Rivera in a number of
 14 weeks, is that right?
 15 A. Yes. I don't remember if it was weeks
 16 or months.
 17 Q. Now, on that day, though, you were on
 18 campus that afternoon, weren't you?
 19 A. Yes.
 20 Q. And at some point did you see your
 21 husband or your husband's car in the area of the
 22 baseball field?
 23 A. Yes.
 24 Q. And how was it that -- your house is
 25 over there, is part of your work over that way, as

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1 what an affair is, but it was not just that, it was
 2 so much beyond the physical.
 3 And I think the reason that we could
 4 talk about it, first of all I meant as in the three
 5 of us, is because it was not just physical. So it
 6 actually mattered more in my mind.
 7 Okay?
 8 So I didn't go home that night because
 9 I was scared. And I don't remember who suggested it,
 10 I know I was happy to just stay in the parking lot
 11 and I felt like a zombie at that point and I didn't
 12 know what I would do. I don't know who suggested
 13 that we meet, but he didn't want me to be alone
 14 because I was scared. So we met up again and talked
 15 some more. And he knew I was scared. And he just
 16 wanted to comfort me. Only I could step back into my
 17 home and deal with the situation, obviously.
 18 Q. You certainly answered my question and
 19 perhaps more.
 20 All right. So let's fast-forward to
 21 April of 2013, the month that Mr. Martinez was
 22 arrested.
 23 A. Um-hum.
 24 Q. I have the day, I think, as April 26 of
 25 2013.

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1 well?
 2 A. Part of my work? Varsity softball is
 3 my work.
 4 Q. The softball field is near the baseball
 5 field?
 6 A. The baseball field is -- I would say
 7 it's on a cul-de-sac in front of my house and the
 8 varsity softball field is in my backyard.
 9 Q. Okay.
 10 A. So I was driving at around 3:30-ish as
 11 I would do everyday to go change for practice. And I
 12 only need five minutes. So I usually still beat the
 13 girls there by ten minutes. And it was a very
 14 different day, as you can imagine, seeing his white
 15 Acura and a trooper car parked not too far away from
 16 each other.
 17 Q. And that's what you saw when you got
 18 to --
 19 A. That what I saw. And it had been -- I
 20 can't even do the math, but it had been more than a
 21 year, probably not quite 18 months since. So my
 22 husband at the time, it was the first time he had
 23 been in the same physical vicinity as Jose.
 24 Q. For a very long time?
 25 A. A very long time. Since before he knew

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1 about the affair, right? So yes.
 2 Q. Now, Trooper Rivera, did he have some
 3 kind of connection with the baseball team, the
 4 varsity baseball team?
 5 A. Yes.
 6 Q. And what was he, an assistant?
 7 A. He was an assistant coach.
 8 Q. Like on a volunteer basis?
 9 A. It was formal in that it was -- the
 10 volunteer part, I believe, comes from that there is
 11 not actually a budget to pay volunteer coaches. Or
 12 assistant coaches, I'm sorry. Full-time faculty
 13 members as part of employment have to do two
 14 extracurricular activities. So the head coach, Champ
 15 Atlee, you have Chad Edwick and Blake Eldridge,
 16 that's their --
 17 Q. They're regular coaches there, they're
 18 paid as part of their school?
 19 A. Um-hum.
 20 Q. Let me stop you there for a minute.
 21 Now, I take it you had been aware for
 22 sometime that Jose Rivera was a volunteer assistant
 23 coach, is that right?
 24 A. Before he and I ever met, yes.
 25 Q. Now, as far as you know, and I realize

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1 A. Okay.
 2 (Audio playing)
 3 Q. Did you hear yourself say --
 4 A. I did.
 5 Q. -- that he was totally unaware --
 6 A. I did.
 7 Q. -- that he was a volunteer coach?
 8 A. I did say that because I -- I mean I'm
 9 now reacting to what I'm hearing and refreshing my
 10 memory.
 11 Q. Sure.
 12 A. About, you know, first of all, what I
 13 know is that I was not present at every one of their
 14 conversations that they had when we all thought we
 15 were going to be friends, you know, family friends.
 16 Because there were situations when we had that social
 17 time and they were talking.
 18 And based on what happened that day and
 19 some comments that Joel made, it was clear he was
 20 stating he didn't know, you know what I mean? So --
 21 because he was totally shocked. He was yelling at
 22 Jose, saying -- the question was what are you doing
 23 here. And so that seems to me to answer the
 24 question.
 25 Q. So you reached an inference or a

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1 you can only say as far as you know --
 2 A. Yes.
 3 Q. -- on that day, you know, prior to
 4 getting to the field that day, did your husband,
 5 Joel, did he know that Jose Rivera was a volunteer
 6 coach on the baseball team?
 7 A. I have no idea.
 8 Q. So now I want to go back to your
 9 statement here for a minute because I want to play a
 10 couple lines.
 11 A. Sure. I mean they had conversations on
 12 their own and I don't...
 13 Q. So I'm going to try to -- the time
 14 cursor on here, I'm going to go to -- let's say I'm
 15 going to go to the five minute and 35 second mark, if
 16 I can get that.
 17 A. Okay.
 18 Q. Well, it's more like three minutes
 19 and -- this is very sensitive.
 20 Five minutes and 22 seconds. We'll get
 21 a little preliminary. And then I just want you to
 22 listen to what you're saying here --
 23 A. Okay.
 24 Q. -- about the subject that I just asked
 25 you about.

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1 conclusion based on things that you heard on the 26th
 2 of April and at least from the basis of what you
 3 know, your husband Joel as far as you know was
 4 unaware that --
 5 A. Yeah, as far as I know.
 6 Q. Let me finish my question.
 7 As far as you know, Joel at that point
 8 was unaware that Jose Rivera was a volunteer coach,
 9 is that right?
 10 A. Yes.
 11 Q. So at least in that sense you would
 12 stand by the statement you made on this tape
 13 recording?
 14 A. Yes. I mean you have to imagine even
 15 more years have passed since I said that and I'm
 16 trying my best to remember.
 17 Q. I understand. I'm not suggesting
 18 anything different --
 19 A. Yeah. Okay.
 20 Q. -- but it's a perfectly acceptable
 21 thing for me to call your attention to --
 22 A. Absolutely. Absolutely.
 23 Q. Now, at that point, near the end of
 24 April, you and Joel had not been speaking for a
 25 number of weeks, is that correct?

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1 A. Me and my ex-husband?

2 Q. Yes.

3 A. It was a very tense situation. I don't
4 remember if it was days or weeks, but we had had a
5 lot of really difficult stretches of poor
6 communication.

7 Q. Sure.

8 During that time, however, was Joel
9 still seeing the children?

10 A. Of course. He's a wonderful father.

11 Q. And was he coming by the house to spend
12 time with them from time to time?

13 A. I don't remember what -- I don't
14 remember what our setup was. You're making me go
15 back to think about how little my kids were and maybe
16 things like what they were involved in would help me.
17 But he, of course, saw our kids. I couldn't give you
18 details about frequency or anything like that.

19 He had just moved out. I remember our
20 son was playing soccer and the girls, you know, I was
21 coaching softball and I knew I could always count on
22 him to get, you know, our son here because I would
23 need to be on the softball field here. And he has
24 never, ever veered from what he needs to do.

25 In fact, it's almost like when you have

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1 Q. I mean you had not forbidden him from
2 being there, had you?

3 A. Well, you have to think about two
4 people fighting and verbally saying to him, I don't
5 want you here, I don't like the way you talk to me or
6 treat me, because we're still dealing with the issue
7 that I cheated on him. Right?

8 I can't tell you that I didn't have
9 stretches where I told him I didn't want him to be.
10 You know, I think what's really complicated is that
11 he still had a lot of stuff at our house. Right?

12 And that's not my stuff. And even if I wanted to
13 claim it through a divorce, I wouldn't want the
14 stuff. Right?

15 So I'm going to try to answer your
16 questions as best I can, but, you know, sometimes he
17 was in the house, I wanted to make my kids and I
18 still do want to make them as comfortable as possible
19 being with their parents given a really difficult
20 situation. And the idea that our kids know
21 everything as well makes it even -- it's tragic, but
22 it makes it even more important that I try to put
23 them first and not put, you know, my desires in terms
24 of space from him maybe, I can't put that first.
25 Even though there are times when he and I may not

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1 to do something that you didn't have to do before,
2 those instincts kick in and I think he has grown in
3 his role and in some ways as a parent because he's
4 been really present and the proximity to it, too,
5 like, you know, where he lived.

6 Q. I don't want you to have to be here for
7 five or six hours, although you're welcome to be, but
8 I'm going to try to get to the points that I think
9 probably are --

10 A. Okay.

11 Q. -- most relevant. So I may interrupt
12 you from time to time which is not like me. I
13 generally don't do that.

14 So during that time after he had moved
15 out, if I understand correctly, he continued to spend
16 time with the children, take them places, do things
17 with them, he had his role as a father?

18 A. Of course.

19 Q. And in connection with that, there were
20 times when he would be inside the house with them?

21 A. Yes.

22 Q. And there was no order of protection or
23 domestic violence order or any kind of restraining
24 order forbidding him from being there?

25 A. No, there was not.

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1 agree. And I think I said more then than I do now,
2 some, you know, words that I maybe would take back
3 because I understand how important it is to have a
4 really good working relationship as parents.

5 Q. Now, you had spoken with Jose Rivera,
6 Trooper Rivera, after Joel had moved out, hadn't you?

7 A. I don't remember honestly because I
8 can't remember if it was weeks or months from when
9 Joel moved out to this arrest, so I don't remember if
10 I had spoken to him after Joel moved out.

11 Q. Did Jose Rivera, as far as you know,
12 did he understand, did he know that there was no
13 restraining order in place in this case?

14 A. I don't know.

15 Q. Okay. I'm going to just play
16 another --

17 A. I would think that he -- hen he, I
18 think, gave me a lot of really good advice, it really
19 was personal advice in terms of taking care of myself
20 and being brave and dealing with the issues that I
21 had to deal with.

22 Q. My specific question was did Jose
23 Rivera know that you did not have a restraining order
24 barring Joel from the house?

25 A. I wouldn't know why he thought I did,

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1 you know, not to put it a different way, but I
 2 don't --
 3 Q. Because you didn't have a restraining
 4 order?
 5 A. I didn't. So that's what I'm saying, I
 6 would have never said I did, so I would think he
 7 wouldn't think I did.
 8 Q. Well, let me just roll this back just a
 9 little bit and play just another snippet of this tape
 10 recording.
 11 I'm playing a few more seconds than I
 12 need.
 13 A. That's fine.
 14 (Video playing)
 15 BY MR. LOUGHRY:
 16 Q. Do you remember saying that, that he
 17 knew, meaning Jose knew that I did not have a
 18 restraining order against Joel?
 19 A. Yeah. It's really awful. I don't
 20 think about this stuff and I don't want to think
 21 about this stuff.
 22 Q. And you were doing your best to tell
 23 the truth that day?
 24 A. Yeah, absolutely.
 25 Q. So you had some basis in your mind at

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1 Q. This will go a lot faster.
 2 And I don't mean to interrupt you or
 3 cut you off, I don't mean to be discourteous.
 4 A. I'm sure everybody told you that I talk
 5 a lot.
 6 Maybe I should have put more quarters
 7 in the meter.
 8 Q. Now, I want to sort of go back to the
 9 sequence of events.
 10 A. Sure.
 11 Q. You saw his car and did you see Trooper
 12 Rivera's car as well?
 13 Did you see the two cars?
 14 A. It took a few seconds to find it.
 15 Right?
 16 It's a cul-de-sac. And I saw the white
 17 Acura with the driver door open.
 18 Q. Okay.
 19 A. And I thought, ooh. I usually drive
 20 this way, but I thought -- I could see the nose of
 21 the car and I thought this is not good.
 22 Q. This is on the day --
 23 A. The day of the --
 24 Q. -- of the arrest?
 25 A. Yeah.

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1 least that day for saying Jose Rivera knew I did not
 2 have a restraining order?
 3 A. You have to imagine that --
 4 Q. Can you answer my question?
 5 You had some basis in your mind --
 6 A. Yes, absolutely.
 7 Q. -- for thinking --
 8 A. Absolutely. Because he would know. He
 9 hadn't been my -- Jose -- I have never been as close
 10 to any human as this person. He knows more about me
 11 than my own sister because of where my life has taken
 12 me to, which is the east coast. So he would know if
 13 there were such an order.
 14 Q. I understand. You would have told
 15 him if you had gotten --
 16 A. Absolutely.
 17 Q. -- such an order?
 18 A. Absolutely.
 19 Q. All right. And you had not told him
 20 that?
 21 A. Exactly.
 22 Q. So please, again, try to let me finish
 23 my question before you start.
 24 Okay?
 25 A. Sorry.

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1 Q. So did you walk over to where the cars
 2 were?
 3 Did you go over that way?
 4 A. I drove towards the left instead of
 5 towards my driveway, yes.
 6 Q. And did you see, at least in the
 7 distance, did you see Trooper Rivera and Joel
 8 speaking to one another?
 9 A. Initially I couldn't tell you if I knew
 10 they were speaking because they were far enough away.
 11 I saw Jose's back and within a few seconds he turned
 12 and definitely led Joel back closer to where the cars
 13 were. So away from the field.
 14 Q. So when you saw them together, when you
 15 see the two bodies, you're not sure if they were
 16 speaking at that point, and when Jose turned, they
 17 were down by the baseball field?
 18 A. They were. Right by the first base
 19 side.
 20 Q. And then they had to walk a distance to
 21 get up to where the cars were?
 22 A. Probably like a good hundred feet
 23 maybe.
 24 Q. And did you watch as they walked?
 25 A. Yes.

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1 Q. Did you hear them speaking to one
2 another?

3 A. I started -- I could start hearing that
4 they had been speaking to each other, yeah.

5 Q. Was there screaming and yelling or was
6 there just conversation?

7 What was the --

8 A. I would say it was -- I would call it
9 more like super intense conversation that was "what
10 are you doing here, what are you doing here." It
11 was -- and it was kind of a shock.

12 So what's really hard for me, to be
13 very honest, is hearing the sides from both of them
14 and to try to remove myself from what I had heard
15 about what happened before I could actually hear what
16 happened. Do you know?

17 So at some point your eyes and your
18 ears pick up what's happening. And I saw that they
19 were out there and I could, you know, tell you that
20 both of them confirmed that that was their first
21 confrontation since knowing that both of them knew
22 about the relationship that I had with Jose. But,
23 you know, I think that yelling or -- you know, I
24 don't think Joel would think he was yelling, but Jose
25 thought he was yelling. And I know I'm an ultra

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1 Q. But when they got to the cars, were you
2 by the cars as well?

3 A. I parked right by their cars.

4 Q. So did you get out of your car?

5 A. Of course I did. I started walking
6 towards them, like what is happening here.

7 Q. So did there come a point --

8 A. I was probably the one yelling.

9 Q. All right.

10 Did there come a point when the three
11 of you were in reasonably close proximity, I mean a
12 few feet from each other?

13 A. Yeah, you know, like this.

14 Q. All right. So now the record should
15 reflect that when she said now like this, she had her
16 hands up motioning to the court reporter and to you,
17 to yourself and to me, is that right?

18 A. Yeah.

19 Q. And we're across the table that's
20 about --

21 A. Maybe four feet.

22 Q. -- four or five feet wide. So the
23 three of you were within four or five feet of each
24 other, is that right?

25 A. Yeah.

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1 sensitive person, and so if Joel and I had a
2 conflict, I thought he was yelling at me, but he
3 didn't think he was yelling at me. Not that he did,
4 but I'm just giving you an example of it. It's a
5 really -- I don't really know what I hear.

6 Q. So in other words, they were engaged in
7 an intense conversation?

8 A. Super. And understandably so.

9 Q. But there was not necessarily yelling
10 and screaming is what you're telling me, is that
11 right?

12 A. What I heard was -- I wouldn't call it
13 screaming. I think yelling is closer to the intense
14 questioning of one another, a conversation that I
15 heard. I would call it more really intense conver --
16 not even conversation, that's too positive, super
17 intense dialogue that -- you know, and neither of
18 them actually wanted me there, as much as I thought
19 that arriving I could maybe help to quell the
20 situation.

21 Q. Did they approach the place where you
22 were? In other words, they were walking towards you
23 and come up so that you were --

24 A. But not because -- I don't think they
25 saw me until they were closer to the cars.

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1 Q. And so there was some conversation
2 going on at that point, is that right?

3 A. Um-hum.

4 Q. And now let me ask, did you hear
5 anybody turning the air blue with the F word? I'll
6 say the word one time here --

7 A. Sure.

8 Q. -- fuck.

9 Did you hear that word out of anybody's
10 mouth, you know, or anybody's mouth repeatedly?

11 A. Repeatedly? So this is what is hard.

12 And I get so nervous about answering the question
13 because I know what the accusations are and I'm
14 trying to remember if -- I'm trying to remember if I
15 heard Joel say this which is apparently what
16 happened, but I don't know.

17 Q. Let me just see if I can find --

18 A. Sure.

19 Q. -- the piece of your statement --

20 A. Sure.

21 Q. -- where you address this issue. It's
22 probably close to what you're telling us --

23 A. Yeah, it was really -- it was like
24 shock. And I just wanted it to go away. It wasn't
25 real, like. And it's so stressful that I can't -- it

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1 wasn't taken in in such a crisp way to be able to
 2 retell it. And time passes, it's just -- it gets so
 3 jumbled and --
 4 Q. It's all right, Mrs. Martinez. We
 5 going to do the best we can here today.
 6 Well, maybe I'll ask you a couple
 7 specific questions --
 8 A. Sure.
 9 Q. -- and then we'll go back to this point
 10 about --
 11 A. I'm fine. Don't worry.
 12 Q. I'm going to play it from here.
 13 A. Sure.
 14 (Audio playing)
 15 BY MR. LOUGHRY:
 16 Q. All right. So what you told this
 17 detective and what we just heard apparently was that
 18 I don't remember if he used the F word, I don't
 19 remember profanity per se, is that right?
 20 A. Yeah. Yeah.
 21 Q. Now, do you recall Trooper Rivera
 22 accusing Joel of trespassing? Do you remember him
 23 making that accusation in front of you?
 24 A. I think he used the word trespassing
 25 and I don't remember the exact words, but it could

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1 Q. Does this refresh your recollection
 2 that Mr. Rivera, Trooper Rivera, said he's
 3 trespassing and you said no, he's not?
 4 A. Yeah, well, when you said the word
 5 trespass, I knew that he had -- Jose had said you're
 6 trespassing on private property. So I think it's
 7 accurate with what I had said when I remembered even
 8 more a few years ago.
 9 Q. So you're comfortable with what you
 10 said --
 11 A. Yeah.
 12 Q. -- on this tape recorded statement we
 13 just played, that Rivera said you're trespassing and
 14 you responded verbally, you said no, he's not?
 15 A. Um-hum.
 16 Q. Is that correct?
 17 A. I don't remember if I said that in our
 18 exchange, kind of me trying to medal in that or
 19 mediate that exchange, but I know that I definitely
 20 was there to, like I said, try to quell the situation
 21 and let him know that he was not trespassing. I
 22 don't remember exactly what words they will say I
 23 used.
 24 Q. I understand. But do you remember
 25 expressing that sentiment --

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1 have been something like, you're trespassing on
 2 private property or something.
 3 Q. And did you make any response to that?
 4 A. I'm trying to jog my memory, but I -- I
 5 don't know if I said that he -- I don't know. I
 6 don't remember.
 7 Q. Let me play --
 8 A. Sure.
 9 Q. -- a little bit here.
 10 A. Sure.
 11 Q. See if I can refresh your recollection.
 12 A. Sure.
 13 (Audio playing)
 14 THE WITNESS: Can you rewind it? I
 15 don't feel like I didn't heard that very well.
 16 BY MR. LOUGHRY:
 17 Q. I'm going to go back. I'm going to go
 18 back to --
 19 A. I just couldn't hear that.
 20 Q. Just for the record, let me go back to
 21 about -- this might get us to the right area. I'm at
 22 26:39, 26 minutes and 40 seconds is when I started
 23 here.
 24 (Audio playing)
 25 BY MR. LOUGHRY:

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1 A. Yeah. Absolutely.
 2 Q. -- in words or in substance --
 3 A. Absolutely, I was not saying --
 4 Q. In words or in substance you
 5 communicated to Trooper Rivera that, as far as you
 6 were concerned, that Joel was not trespassing?
 7 A. Yes. And I also will say that I think
 8 it's important to know I wasn't like talking to a
 9 trooper. I mean I know he was in uniform, but I
 10 wasn't talking to a trooper and saying he's not
 11 trespassing. I'm talking to the two of them, like
 12 come on, we know what the situation is. This is
 13 complicated. We know he's not trespassing. We know
 14 why everyone is so heated right now. Let's just --
 15 in fact, Jose, I don't remember the exact words, but
 16 I thought that he was -- he had a point and, of
 17 course, I wanted this whole disaster to go away, so
 18 he was saying that if we wanted to talk about our
 19 personal -- the personal side of this which, of
 20 course, is about our relationship and that I cheated
 21 on my husband, and if we wanted to talk about it,
 22 then we should pick another time and place.
 23 Q. Who said that?
 24 A. I think Jose said something like we can
 25 sit at the table on another day and talk. This is

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1 not the time. I just so badly wanted the situation
2 to go away that definitely I -- I'm saying that the
3 sentiment was I knew he wasn't trespassing. But I
4 was so desperate to quell the situation that I was
5 just trying to get both of them to kind of stand down
6 and decide that we needed to take a breath, and this
7 was not a good scene for anybody because I work where
8 I live. And because it was their first interaction
9 since everyone knowing what had happened, everything
10 was so fresh with my husband having moved out very
11 recently, you know, prior to this incident. Jose and
12 I were not communicating. It was chaos.

13 Q. Okay.

14 A. I just wanted the situation to go away.
15 I wanted them both to drive away and for nothing to
16 have happened, you know.

17 Q. Do you recall at some point in this
18 conversation, do you recall whether Joel made some
19 comment about whether Trooper Rivera was really a
20 alumnus of the school, that is, the Lawrenceville
21 Prep School, or whether, in fact, he had not
22 graduated?

23 Do you remember that coming up?

24 A. I believe he did make a statement about
25 that. I don't remember exactly how he put it.

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1 that -- I didn't know what I was going to do, but
2 part of it was scanning to see if any of my neighbors
3 were outside because they might be able to see and
4 maybe hear what was happening.

5 Thankfully, I didn't see any neighbors
6 outside, but it was also like where did G drive off
7 to and maybe he'll see that I'm approaching him and
8 maybe he'll think about coming back.

9 I never called his name or anything,
10 but at that moment I know I turned to scan the scene
11 and figure out what I should do. I turned back
12 around and I don't believe that I saw Jose put him
13 against the vehicle, but I know I, at some point, saw
14 that he was being arrested. You know, I just -- I
15 didn't see him take him and put him on the car, but I
16 turned back around, he was already on the car getting
17 handcuffed.

18 And I said to Jose, maybe this is so
19 stupid, right, thinking about it, but I so badly
20 didn't want any of this to be happening. And I was
21 so stressed out and scared about what it would mean
22 for all of us. And I -- it's like I was so
23 disconnected from both of them at that time, but
24 knowing that this could not be good, what was
25 happening right before us, in that moment my

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1 Q. So that was Joel to Jose Rivera?

2 A. Um-hum.

3 Q. Is that right?

4 A. Yes.

5 Q. Now, did you see the physical kind of
6 arrest of Joel? That is, did you see Trooper Rivera
7 in the act of arresting him?

8 A. So I'm not sure if you have been told
9 that at some point during our very heated discussion,
10 the three of us closer to our cars, our acting
11 athletic director, Michael Goldenberg, at the time,
12 it's very normal for our athletic director to -- was
13 around to the various athletics sites on his golf
14 cart, to check on things, watch little practices or
15 games just to know what's happening. So we
16 definitely saw him, the three of us, and I can tell
17 you how I felt about both of them seemingly wanting
18 G, we call him G. Michael Goldenberg, G. They both
19 seemed to want G to approach us. And I don't know
20 why G zoomed away knowing that there was definitely a
21 tense situation. Maybe that doesn't matter.
22 However, it matters because I know -- in knowing that
23 I wasn't able to help kind of get the emotions to
24 calm down a little bit, I know that I took a few
25 steps towards the path that G zoomed off in hoping

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1 instincts were to -- after I feel like I tried to
2 reach both of them the way that I could based on what
3 my connection had been in life to both of them which
4 is like hey, like this is not worth it, where is this
5 going kind of thing. Jose, like really, let's
6 just -- let's just -- I couldn't get either of them
7 to kind of stand down, right? So I said to Jose,
8 that's when I said something about if it meant
9 anything to you, if I meant anything to you, please.
10 And maybe that is so stupid. I don't know. But you
11 have to imagine my desperation to just try to get
12 this to end and maybe find a better ending and a
13 better resolution.

14 And he wouldn't look at me. And I
15 tried to get in his face as he arrested Joel, I
16 wanted him to look at me and I wanted him to know
17 that this is not what I wanted.

18 Q. Well, tell me what you saw Jose do.

19 A. I just saw him -- well, like I said, I
20 didn't see him put him on the vehicle, but he had
21 Joel in handcuffs and obviously pressed on the
22 vehicle to do that. Right? And he told me to leave.

23 Q. All right. Let me stop you there. I
24 want to play a couple --

25 A. Sure.

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1 Q. -- excerpts of the statement where you
2 touch on this subject.
3 And I'm going to have to go back and
4 forth between --
5 **A. And I'm doing my best to remember.**
6 Q. That's okay. That's fine.
7 I'm at ten minutes and 41 seconds,
8 something like that.
9 (Audio playing)
10 **A. Put him on the what?**
11 Q. Put him on the car and put handcuffs on
12 him.
13 Let's try it again. Hold on.
14 **A. I just spoke fast.**
15 Q. Yes, you did.
16 And there are going to be two or three
17 of these packages, so do the best you can.
18 This will be the first one because you
19 addressed this a couple of times.
20 It's best to take it from the ten
21 minute mark.
22 All right. We'll try it. 10:06.
23 (Audio playing)
24 So did you hear yourself say there I
25 never saw Joel touch Jose?

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1 **A. No, I'm not.**
2 Q. So did he see them next to each other
3 more or less, Jose and Joel, and then in some kind of
4 instant, Trooper Rivera was putting him down on to
5 the car, is that what you're telling us?
6 Let me try this again.
7 **A. Yeah.**
8 Q. Let me try this again.
9 I take it you did not see Joel, your
10 husband, grab the trooper's arm and then the trooper
11 react and, therefore, put him down on the car or put
12 him down on the ground or anything like that?
13 **A. No. I was present for everything that**
14 **was happening and I replayed it in my mind so many**
15 **times, and I never saw Joel put his arm on Jose.**
16 Q. If someone said it's possible that
17 maybe you were just looking away or something, what
18 would you say to that?
19 **A. I would say I'm not sure how I could**
20 **have missed that.**
21 Q. Okay.
22 **A. But I mean -- I don't know.**
23 Q. All right. I'm going to play you a
24 couple more things that you said about this --
25 **A. Sure. Sure.**

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1 **A. Yeah, I was -- for me, I have not**
2 **really thought much about this until last night and**
3 **today. And my big thing is, what am I worried about?**
4 **I know the big thing is what one says the other did**
5 **and one says he didn't. And I never saw him touch**
6 **him.**
7 Q. Let's get specific about this.
8 **A. Sure.**
9 Q. Trooper Rivera has said in his report,
10 I'll show you the report, that Joel grabbed his arm.
11 **A. Yeah, I've heard that.**
12 Q. You didn't see that?
13 **A. I heard that from him. I did not see**
14 **that.**
15 Q. Now, you had told us here that you took
16 a couple steps towards somebody before the arrest?
17 **A. The guy, G, left in the golf card and I**
18 **just wanted him to come back and --**
19 Q. Let me stop you there.
20 Are you trying to tell us that, oh, I
21 looked away, so maybe something happened --
22 **A. No.**
23 Q. -- and I didn't see it?
24 **A. No, not at all.**
25 Q. You're not trying to say that?

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1 Q. -- so we can get the -- I think I have
2 all the references to it, but if you just bear with
3 me for a minute.
4 That last reference was around the 10
5 minute and 58 second mark.
6 The subject returns around 30 minutes
7 and maybe 45 seconds. It will be a little in advance
8 of that, so I'll so get to that.
9 **A. Okay.**
10 Q. Okay. This is 31 minutes and 30
11 seconds that I'm starting this.
12 Okay?
13 Maybe we'll go back another 10 seconds
14 or so because of the context.
15 Yes. 30 minutes and 21 seconds is
16 where I'm going to start.
17 (Audio playing)
18 BY MR. LOUGHRY:
19 Q. Do you remember making these comments
20 that we just heard to the effect that you never saw
21 Joel grab the trooper's arm and you only lost visual
22 contact for one second and that was when both of them
23 were going towards Goldberg to talk to him --
24 **A. They were --**
25 Q. -- is that what you just said?

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1 A. That's what I just said.
 2 I'm trying to remember because I -- and
 3 based on what I remember when it was fresher, I know
 4 they were calling him, but I don't remember if it
 5 was -- that's why I'm thinking they were going --
 6 they were going after him for sure and I know it was
 7 verbal, and I don't remember moving in that
 8 direction.
 9 Q. You don't remember yourself moving in
 10 that direction?
 11 A. No. No. No. I'm saying there I say
 12 that they went after him, but I know that it was
 13 verbal, I like called for him and it didn't work.
 14 And I looked over because I thought maybe if he
 15 thought I needed help, he would come. He was gone,
 16 though. He had a car and I also know that my mind
 17 was -- could my neighbors be watching what could
 18 potentially be something very bad. Right? And there
 19 I'm saying it felt like a second, so I mean obviously
 20 I'm many years away from what happened and the
 21 recollection that I had then, and I just know that
 22 since the incident, for me the core has been that I
 23 never saw Joel put his hand on anybody. And I think
 24 that's the most important thing to know.
 25 Q. But let me ask you a couple more

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1 lasted -- if the whole thing lasted two minutes or
 2 two hours. And maybe that makes sense to you and
 3 maybe it doesn't. And I'm sure it was more like ten
 4 minutes, but I couldn't tell you.
 5 Q. Let me just go back --
 6 A. Sure.
 7 Q. We're going to go back to about 30:07,
 8 something like that, and we'll play about a
 9 minute-and-a-half here.
 10 A. Sure.
 11 Q. So it's 30 minutes and seven seconds.
 12 (Audio playing)
 13 THE WITNESS: It was steps for sure.
 14 BY MR. LOUGHRY:
 15 Q. So let me just finish that last line
 16 there because this is what I was looking for before.
 17 It sounds as if on your tape recorded
 18 statement you're saying that after they took steps
 19 towards Goldenberg and they were making some appeal,
 20 then they turned and they walked back --
 21 A. It was only steps, though. We're in
 22 the same circle.
 23 Q. Let's see if we can reconstruct this
 24 based on what we heard here.
 25 A. Sure.

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1 questions about this.
 2 In this tape recorded statement that we
 3 just played for you, and if you want me to, I'll play
 4 it again.
 5 A. Okay. Well, no, I mean you don't have
 6 to unless you think you need to, but you can ask the
 7 question if you think it will be helpful.
 8 Q. It sounds as if the moment you're
 9 describing when you looked away for a second was when
 10 the two of them were making -- each of them were
 11 making some kind of an appeal to Mr. Goldenberg,
 12 whether they were going towards him or not, and that
 13 caused you to look away for just an instant, is that
 14 right?
 15 A. Yeah.
 16 Q. That wasn't the moment he was arrested,
 17 was it?
 18 A. He was arrested after that. But I
 19 don't know why I struggle to visualize actually
 20 seeing Jose take Joel and put him on the car. And
 21 that I can't -- I just remember he was on the car and
 22 maybe it's what happens when the adrenalin kicks in
 23 and you're stressed out. Honestly. It was so hard.
 24 I -- it was the most -- it was just the most chaotic
 25 situation for me. I honestly couldn't tell you if it

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1 Q. They take a couple of steps towards
 2 Goldenberg, that causes you to glance away to
 3 Goldenberg for a second?
 4 A. Um-hum.
 5 Q. Then they turn and they walk back the
 6 other way.
 7 Right?
 8 So now your glance is not on Goldenberg
 9 anymore, it's with them --
 10 A. With them.
 11 Q. -- and that's when the arrest happens?
 12 A. And I have --
 13 Do I have that right?
 14 A. Yes.
 15 Q. So you saw the arrest and you saw
 16 really the few seconds that led up to the arrest?
 17 A. Yes. But I want you to know that in
 18 the times when I think about this encounter, I'm
 19 human, right?
 20 Q. I understand.
 21 A. I have heard both sides from both of
 22 them. I was there. I have my emotion about how
 23 stressful it was and my involvement on both sides in
 24 terms of a really tough time with my husband at the
 25 time and then with Jose and my emotion and

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1 frustration there. I've told myself just sit here,
 2 Vicky, and try to see what happened as you saw it,
 3 removing away any kind of images in your mind because
 4 of how other people have played this out.
 5 You know? So I'm doing my best.
 6 I don't remember, as I said, I don't
 7 remember Jose taking Joel and arresting him. And I'd
 8 rather just tell you that. I don't even know if it
 9 matters, and hopefully it doesn't matter.
 10 What matters is that Joel was pressed
 11 against the car as I would imagine you have to do,
 12 and, you know, a trooper wants to be in a very strong
 13 stance because it looks like, you know, based on
 14 that, the person is kind of over the car and then
 15 there is a very strong, you know, almost athletic
 16 stance where you have one leg in between the person's
 17 two legs so you could have a good grip and, you know,
 18 do what you have to do if you're going to arrest
 19 somebody. So I remember that visual.
 20 And I --
 21 Q. Let me ask you this.
 22 A. Sure.
 23 Q. Were you doing your best to remember
 24 when you were speaking to this detective on this tape
 25 recorded statement? Were you doing the best you

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1 could to remember truthfully and accurately what you
 2 were saying --
 3 A. Yes.
 4 Q. So you stand by what you said in this
 5 statement?
 6 A. Of course. Of course.
 7 And now it's a few years removed and I
 8 mean, God help me, I don't know if I've done the
 9 right thing by trying to escape a lot of painful
 10 reality that has happened since 2011. Right? But
 11 I'm doing my best to tell you what I remember, what I
 12 know. That's all I can do.
 13 Q. I only have a few more passages I want
 14 to ask you about.
 15 A. Okay.
 16 Q. So now, would you describe Joel's
 17 behavior before his arrest as he was upset?
 18 A. So before his arrest? Define before
 19 his arrest. Are we talking 2011 when --
 20 Q. No. I'm talking about in the minutes
 21 you were there at those cars before he was physically
 22 arrested.
 23 Was he upset?
 24 A. That's a really hard question for me to
 25 answer. I have described to you a very tense

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1 discussion that went on, but I don't think that
 2 that's a fair question.
 3 Q. Well, was he being belligerent?
 4 A. Was he being belligerent? No, he
 5 was -- he was -- I wouldn't say belligerent. But I
 6 mean obviously it was intense.
 7 Q. He was asking Trooper Rivera to leave,
 8 wasn't he?
 9 A. He was.
 10 Q. And Rivera was asking him to leave?
 11 A. Yes. It was just so chaotic.
 12 Q. And after he was put down on the car
 13 and handcuffed, did Joel get angry? Did he express
 14 some anger?
 15 A. I don't know. He was put in the car.
 16 You know? I mean so there is -- you know that I also
 17 have heard about what happened when he was in the
 18 car, so this is where it gets hard for me. And I'm
 19 just doing my best to kind of strip away everything
 20 that I may have heard and I'm trying to present it as
 21 best as I remember it in 2018.
 22 Q. Did you hear Joel express any kind of
 23 physical discomfort or that he was in pain?
 24 A. Yeah, I did.
 25 Q. What did you hear?

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1 A. I will try to remember. I've not ever
 2 been asked this question, I don't think.
 3 I know that he definitely was not happy
 4 with whatever -- I don't know if it was the grip of
 5 Jose arresting him or if it was the tightness of
 6 handcuffs. I don't know what the -- what normal
 7 procedure is, but he definitely was complaining about
 8 that. If I -- yeah, he was complaining about --
 9 unhappy about that. I would imagine that anybody
 10 being arrested would not be very happy. I would
 11 imagine it's not a comfortable experience whether
 12 there is no -- you know, like no matter what the
 13 situation.
 14 Q. Let's see what you said. This is at
 15 35:29.
 16 A. Okay.
 17 (Audio playing)
 18 BY MR. LOUGHRY:
 19 Q. So you did say that day that it seemed
 20 that he got angry after he was put on the car and he
 21 was handcuffed?
 22 Right?
 23 A. Yeah. He didn't want to be arrested.
 24 Q. And he did cry out, you know, from what
 25 you reported that day that he was hurting or hurt, is

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1 that right?

2 A. Yeah. I -- hearing me here is really

3 helpful because it jogs my memory to what happened.

4 And today I don't think I said the words it hurt, but

5 I remembered it as a statement of, you know,

6 complaining that he was not -- it was not good. He

7 was not comfortable.

8 Q. There might be one more passage, so I'm

9 going to try to find that for you.

10 A. Sure.

11 Q. This will be at the 45-minute mark.

12 Take it back a little before then, maybe 44:35, we'll

13 play a minute or so.

14 A. Okay.

15 (Audio playing)

16 BY MR. LOUGHRY:

17 Q. So you actually made a specific

18 reference here in what you said that the handcuffs

19 were hurting him.

20 A. Um-hum.

21 Q. Was that your impression that day that

22 the handcuffs were hurting?

23 A. Yeah.

24 Q. Did he actually say that, the handcuffs

25 are hurting me?

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1 A. I'm trying to remember more about that

2 day in listening to myself. It was really helpful to

3 hear the statement that I made because, like, you

4 know, my memory is here and then in some instances it

5 gets me closer to remembering.

6 And I remember -- I remember him

7 talking about how it hurt and maybe it's that I --

8 that I knew that the handcuffs were on him. I'm

9 trying my best to remember. Knowing that he was, you

10 know, put on the car and -- I mean I've never seen

11 anybody arrested before. Right? And I don't watch

12 Cops. I really don't.

13 But I remember, if it matters, kind of

14 how I feel, I remember feeling horrible. Right? And

15 this is the whole thing, it would not have happened,

16 he didn't deserve it and it would not have happened

17 had I not had to put us all in that situation. I

18 don't think that really matters to your question, but

19 your question was about whether I remember the

20 handcuffs specifically.

21 Is that your question?

22 Q. Yes.

23 The question was do you remember Joel

24 saying the handcuffs are hurting?

25 A. That's hard. It's five years ago.

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1 Right?

2 I remember like the word "trespassing."

3 For example, you said that and I -- it triggered --

4 like I remember how that was used. But you say the

5 word "handcuffs", I don't have the same reaction.

6 Now, that doesn't mean it wasn't used. Because I

7 know that he may have even said -- I don't know

8 verbatim, but I'm trying to think about why I know it

9 was the handcuffs, and I feel that he may have said

10 something about you don't have to put them on so

11 tight or something. But I mean how the hell would he

12 know either? He's never been arrested. Right? But

13 in my mind I'm thinking, I'm right in that zone of

14 trying to think about why I was thinking about the

15 handcuffs with my super limited knowledge about

16 experience and witnessing all of this happen, so.

17 Q. Did you want him arrested that day?

18 A. No. I made that pretty clear, I

19 believe, to both of them. In fact, they know that --

20 you know, I'm sure it hurt him to hear me making a

21 plea and asking this man to consider our

22 relationship.

23 Q. You mean asking Jose Rivera --

24 A. I tried to get him to look at me

25 because I wanted him to know a lot about what I was

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1 feeling about what was happening based on my look.

2 And when you have that connection with somebody, you

3 know what you're making them feel or go through. And

4 he wouldn't look at me.

5 Q. Did you think that Jose Rivera was

6 acting wrongly or incorrectly in arresting Joel?

7 A. I don't -- I feel really uncomfortable

8 with that question as a person who is not --

9 Q. You're not legally trained?

10 A. -- trained. And I don't know what

11 officers are trained to do to themselves to try to

12 dismantle situations.

13 Q. Did you see, yourself, did you see Joel

14 do anything that you thought he ought to be arrested

15 for?

16 Let me ask it that way.

17 A. No. I have thought about both sides.

18 And I'm not a judge, a jury, a lawyer or anything but

19 the person that I am. So that's also a hard question

20 because that's, you know, selfishly what I had hoped

21 could happen in terms of the resolution given that

22 these two men had this confrontation. And then there

23 is the other side of what has to happen based on

24 certain things that I'm not trained or knowledgeable

25 about.

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1 Q. On this day, on April the 26th, you
2 hadn't spoken to Joel for sometime, is that right?
3 A. Yeah, but as I mentioned before, I
4 couldn't tell you -- spoken verbally you're saying?
5 Q. Right.
6 A. Yeah.
7 Q. It sounds like what you're telling us
8 today, though, is that you had sort of come to rely
9 on Jose Rivera as somebody you could confide in and,
10 you know, was watching out for you, is that about
11 right, toward the end of April, 2013?
12 A. Well, we were not in communication.
13 Q. I understand that.
14 A. Yes. But you have to imagine after a
15 really painful experience in life, you try to put
16 yourself in a place where you could have some kind of
17 piece and comfort and acceptance about some really
18 difficult things from both sides, like the marriage
19 that I had which was ending, the other decision that
20 I had made to build upon a connection with Jose that
21 was really fulfilling and which there were really
22 deep emotions involved. And for me, the space that I
23 had to put myself in was one that looked back on
24 everything that had happened, whether I should have
25 or not. I looked back on it and tried to tell myself

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1 this position to try to answer this question, you
2 know? So thank you for replaying that.
3 BY MR. LOUGHRY:
4 Q. So in that moment you're telling this
5 investigator from the State Police that you did not
6 think he was justly arrested?
7 A. Yeah. I am this one person processing
8 everything, watching what happened, and every person
9 will, you know, error on the side of being aggressive
10 or safe. So he's asking me what I would have done,
11 basically.
12 Q. But you made another comment that I
13 want to ask you about, about the emotion, the emotion
14 being in it or out of it or taking the emotion out,
15 and it seems like the way you interpreted the
16 question was that if there was a fourth person there,
17 like another trooper who knew nothing about it and
18 wasn't caught up in the emotions, would that
19 fictional, you know, fourth person looking at this,
20 would they arrest him? And your answer was no.
21 Did I get that right?
22 Is that what you said?
23 A. That's what I said. And I think some
24 people have more, you know, higher EQ. If I was that
25 fourth trooper and I watched this situation, I think

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1 that he cared and that when you have that connection
2 with somebody and feelings for somebody the way we
3 had and discovered that, that doesn't just go away.
4 Q. Understood.
5 A. You know? Go ahead.
6 Q. I'm going to just play another minute
7 or so here. It's toward the end.
8 So I'm at 47 minutes and 44 seconds.
9 (Audio playing)
10 THE WITNESS: Can I get that again
11 because I made some kind of big breath and I said
12 something that I didn't hear correctly.
13 BY MR. LOUGHRY:
14 Q. I'll go back to the 47:44 --
15 A. Sure.
16 Q. -- and try to get as close as I can.
17 A. Yeah.
18 Q. I got to 47:27.
19 A. That's fine. That's fine.
20 Q. That's about as good as I can do.
21 (Audio playing)
22 THE WITNESS: It's so interesting to me
23 to be hearing that that -- I mean that I know it's an
24 investigator, it's not like it was Joel's lawyer or
25 anything, but I hadn't remembered that I was put in

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1 I would have been able to really get in there and
2 tell these people, you people are ridiculous, you're
3 adults and you should not be -- you should just think
4 about what you're all doing right now.
5 Q. Do you remember telling the
6 investigator that you thought that Trooper Rivera
7 should have gotten in his car and left?
8 A. I believe I said that. That sounds
9 familiar to me. You don't have to replay it, I
10 believe you.
11 Q. I'm asking if you remember saying
12 something like that?
13 A. I had never been through anything like
14 that and I was trying to be very calm, but I did get
15 very wordy and sometimes I did get kind of emotional
16 also talking to him.
17 Q. Do you remember telling him you thought
18 he should have got back in his car and left and gone
19 back to work?
20 A. I probably said something like that
21 because I was about to say sassy, like I think I got
22 a little sassy with him sometimes in some of my
23 responses because I just...
24 Q. But it sounds to me from the answers
25 you've given us that you have a little bit more --

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1 maybe much more, I don't know, confidence in your
 2 memory and what you were able to reconstruct on the
 3 day that you gave that tape recorded statement than
 4 necessarily would have in your memory and your
 5 ability to reconstruct here today?
 6 **A. That's very obvious, it's 2014-ish.**
 7 **Right?**
 8 **Q. Three or four years later?**
 9 **A. If you saw my planner for everyday,**
 10 **every week, every month of the year, just this year,**
 11 **you would not know how everything happens. I'm not**
 12 **trying to think about this incident any more than I**
 13 **have. I am not.**
 14 **Q. I understand.**
 15 So you would think that what's on the
 16 tape is probably a better recollection and more
 17 accurate, is that fair to say?
 18 **A. Yeah.**
 19 **Q. Now, I just have a few other things I**
 20 **need to ask you about briefly. And again, I**
 21 **apologize if some of this is somewhat personal, but**
 22 **it's stuff that has come up and I just need to**
 23 **clarify one or two things.**
 24 So did it come to your attention that
 25 in terms of the back and forth between Jose Rivera's

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1 I can be a little more specific, if you
 2 want.
 3 **A. No. No. I'm trying to remember.**
 4 **You know, I don't know if -- I'm trying**
 5 **to remember the details of something that was really**
 6 **hard to grapple with.**
 7 **Q. I understand.**
 8 **A. So I guess I'm pausing to try to**
 9 **collect myself and think about whether he told me**
 10 **that he had certain sensations around like peeing,**
 11 **right, before or after I found out that I had an STI,**
 12 **I think they call them now. So I don't remember if I**
 13 **told him, which was very hard, and if he said, well,**
 14 **I've been feeling a certain way and that must be why**
 15 **or if he had been complaining before. I don't**
 16 **remember.**
 17 **Q. You went and got some medication?**
 18 **A. I did.**
 19 **Q. And did you share that medication with**
 20 **Joel?**
 21 **A. I did.**
 22 **Q. And Joel called Raquel to say, hey, you**
 23 **know, you should be aware of this, you might have**
 24 **some risk here?**
 25 **A. I don't know.**

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1 wife and people in your house, I'll say either you or
 2 Joel --
 3 **A. Okay.**
 4 **Q. -- that at some point Joel made a**
 5 **communication to Raquel --**
 6 **A. Um-hum.**
 7 **Q. -- about, I'll use the clinical term**
 8 **here, about having learned that you and Mr. Rivera**
 9 **had had not just sexual relations, but unprotected**
 10 **sex, did you learn that, that somebody -- that Joel**
 11 **had made that communication to Raquel?**
 12 **A. I know that they had connected and I**
 13 **don't know if I knew the details of their**
 14 **communications, but I know that they were texting. I**
 15 **don't know if they had spoken on the phone.**
 16 **Q. You don't have any recollection of Joel**
 17 **reaching out to Raquel Rivera to let her know that at**
 18 **least it had come to his attention that there was**
 19 **unprotected sex --**
 20 **A. I think I remember that.**
 21 **Q. And do you remember Joel registering**
 22 **any concern with you that he might be having a**
 23 **symptom that made him somewhat concerned about**
 24 **perhaps having contracted something?**
 25 Do you remember anything about that?

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1 **Q. That's the thing you're not sure about?**
 2 **A. Yes. I don't know that.**
 3 **Q. At some point did you become aware that**
 4 **I'm going to say right at the year's end -- let me**
 5 **step back. I want to get a sequence here.**
 6 Did it come to your attention as to
 7 whether Raquel had at least briefly kind of I'll use
 8 the expression thrown Jose Rivera out of the house
 9 briefly after all this stuff kind of came to light?
 10 **A. It was probably Christmas Eve of 2011**
 11 **when -- I can't tell you what their conversation was,**
 12 **but I know that he slept at his friend's house for**
 13 **two nights.**
 14 Can I have -- what is the relevance of
 15 all of this?
 16 **Q. I'm getting to that.**
 17 **A. Okay. I apologize.**
 18 **Q. If this was not relevant or if I didn't**
 19 **judge it to be relevant, there is no way I would ask**
 20 **you these questions.**
 21 **A. Okay.**
 22 **Q. Because I frankly have no interest on a**
 23 **personal level, I have no interest in these details.**
 24 **It's simply that some things have come up.**
 25 **A. Okay.**

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1 Q. So I'm trying to ask these questions
2 as -- I think the word is decorously as I can.

3 A. Yeah, you're doing fine.

4 Q. Well, so for a couple of nights it
5 appears that maybe Trooper Rivera wasn't able to be
6 at home, at least from what you were learning, but at
7 some point then, was he allowed back in the house?

8 A. As far as I know. Of course.

9 Q. And that sometime after that, after he
10 got back into the house, did Trooper Rivera make some
11 communication to you, to your household, that he did
12 not appreciate anyone from your household calling his
13 wife to talk to her about what happened? Did that
14 message get communicated to you?

15 A. Yes.

16 Q. And specifically also, did Rivera, and
17 again in words or in substance, I'm being a little
18 bit general about this, but did he, in essence, say
19 he did not want any more communications or calls or
20 texts coming from your household to his wife?

21 A. Yes.

22 Q. And did he also, again I'll try to be
23 general here, did he also communicate that if it ever
24 happened again, that is a communication to his wife
25 from your household, that he was going to harm in

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1 some way your family or your career or Joel's career,
2 that he was going to, I'll use the word retaliate?

3 A. He didn't say that. He didn't say the
4 word retaliate, but I think the spirit of it is
5 that I -- so you have to imagine it was so chaotic,
6 right?

7 Q. Yes.

8 A. And he had -- I'm going to go back to
9 that point. It was very clear that these things
10 shift very chaotically, right, as people are
11 discovering what is happening. And I have hurt the
12 man I was married to clinging to a person who I had
13 fallen in love with who obviously is dealing with
14 his, you know, his wife at home. And everyone was
15 very, very angry, right, obviously, and hurt more
16 than anything. And I remember being on the phone
17 with him and feeling devastated that essentially I
18 knew that he was just trying to cut things off with
19 me, right, and obviously Joel reaching out to his
20 wife upset him a great deal --

21 Q. Hold on a second. Joel reaching out to
22 his wife had upset Jose Rivera, is that what you're
23 saying?

24 A. I'm making that inference based on the
25 kind of the conversation that he and I had where he

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1 definitely said something about like if I ever so
2 much as see any of you close to my home or on my
3 block -- and I'm struggling to find the words, but
4 basically what he was saying is, you know, let's
5 have nothing to -- I want nothing to do with you.
6 That was the sentiment. I hope it's okay that I
7 don't remember exactly. And I remember feeling --
8 it's hard to separate the emotion from, you know,
9 the -- it's hard to separate the emotion, but I just
10 remember feeling like what do I do now?

11 And I know we're not here to talk about
12 me right now, but I'm trying to, I think, put the
13 foundation of where I was to be able to process
14 everything and hopefully recall everything for you.

15 So I'm doing my best, but I remember
16 telling Joel, oh my God, I do remember telling Joel,
17 even though obviously it was really rough between he
18 and I because of what he had just found out, I
19 remember telling him, I'm a super sensitive person,
20 but I remember feeling scared, like oh my God.

21 You go, you know, one day from feeling
22 closer to this person than you ever felt to the man
23 you married, to them telling you I want nothing to do
24 with you, you better stay away, you better never so
25 much as show your face, right? That's a very scary

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1 thing. And I remember saying this to Joel and he
2 definitely was like you're scared. And he was --
3 honestly, he was more gracious and loving and
4 wonderful to me than I ever deserved based on what
5 happened.

6 Q. You mean Joel? Yes?

7 A. Yeah.

8 Q. So in essence, to try to close this up
9 here, you got this communication, I guess a phone
10 call from Trooper Rivera that said, if I ever see you
11 around, you know, our house or my way, and he
12 communicated a sense to you that he would, I don't
13 know, in some fashion lash out, not retaliate, but
14 lash out?

15 A. He didn't say that obviously.

16 MR. MARSHALL-OTTO: Object to the form
17 of the question.

18 MR. LOUGHRY: Okay. I'm going to try
19 again.

20 BY MR. LOUGHRY:

21 Q. So to the best of your ability, what
22 was the sense you were getting as he said to you I
23 better not see you around our house or anybody from
24 your house, whatever?

25 A. That I better actively stay out of

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1 their way, that was my sense.

2 Q. Was there a kind of "or else" that was
3 a part of the conversation?

4 A. I'm trying to remember what he said,
5 but I definitely felt like, you know, this is so
6 horrible having to think about it because I think in
7 these really chaotic, emotional, angry, confusing
8 times, people say things when they're really upset,
9 you know, but he was really upset, if we could just
10 encapsulate this moment, and I remember feeling like
11 why would he -- you might be mad and you might not,
12 you know, want to continue this relationship and
13 you're dealing with something very difficult on your
14 end, but when you love somebody, you don't -- this is
15 not the way you end it. And I felt like why would he
16 say things that would make me afraid of what he might
17 do to hurt me.

18 Like why -- when you trust somebody,
19 you know...

20 Q. When you finished talking with Rivera
21 after this communication, were you at home at that
22 point?

23 A. Yeah, I was at home. Holiday break,
24 thank God.

25 Q. Did you call Joel and say --

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1 Christmas or Christmas Eve and Christmas Day for
2 sure.

3 So as I mentioned to you, you know, I
4 don't try to hurt Joel. And as I mentioned to you, I
5 know how I felt about Jose and I know that my
6 marriage was in shambles. And I know that just like
7 I had seen him, Jose, come to me to try to help me,
8 console me, listen to me, sometimes that's all he
9 could do was just listen to me, I wanted to go to
10 him. So I'm sure that you know that I -- and I
11 waited until after 10 o'clock both of those nights
12 and I did go. One night I actually slept in that
13 apartment. And it's like a -- his friend's office
14 space. It's a business that actually runs while
15 everyone else is sleeping because his friend like
16 strips floors and waxes them. And that's neither
17 here nor there except that we actually didn't sleep,
18 like we were having pretty important conversations
19 about look at this, basically it was a mess and what
20 are we going to do. Right? But what was really
21 painful for Joel that I wasn't seeing at the time was
22 that I would, at the end of the night, want to go see
23 Jose to talk. And I know that was devastating for
24 him. And I waited for my kids to be asleep and I
25 think Joel and I were both in a really chaotic place

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1 A. I believe that Joel was in -- in
2 another part of the house. And I mean I don't know
3 how he dealt with me because I'm sure, again, I was
4 just this zombie. Thankfully I didn't have to work
5 for a few weeks' stretch and I was dealing with all
6 this and I wasn't sleeping, I wasn't eating, it
7 was -- I definitely was reacting to what happened.
8 And I was crying and devastated, but I'm also still
9 dealing and knowing that I hurt this man, but I was
10 so overwhelmed with everything.

11 Q. I have one or two more difficult or
12 painful questions to ask, but I'll try to do this as
13 gently as I can.

14 You said something about, you know,
15 your children were kind of, despite their young age
16 and they don't really understand everything, they
17 kind of were like your witnesses to so much of this
18 upset and chaos.

19 Did I understand that correctly?

20 A. I don't know if they understood
21 everything that was happening. I'm sure, you know, I
22 told you in line with a question that you could say
23 kind of sidestepped after I answered the question
24 about Jose going for a few nights to his friend's
25 office, actually office/apartment, to stay after

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1 because I don't think that anyone should wake their
2 children or even tell your children your mommy is
3 going to go be with another man. Right? So I think
4 we're still dealing with a lot of the emotional
5 impact of that because of the memories there and
6 other things are coming out.

7 Q. So that's what I wanted to get to and I
8 appreciate you being so candid about this.

9 It sounds like they have some
10 recollections of the difficulty and the torment or
11 chaotic feelings of that time and you say you're
12 still trying to deal with that in their lives now, is
13 that --

14 A. They have -- you know, they ask me
15 questions more candid than the ones you've asked me
16 today. They do. We have a great relationship and
17 they love me, but they have a lot of questions and,
18 you know, some things are getting easier because I'm
19 so open with my kids and I'm not afraid to say -- I'm
20 not afraid to talk about what happened. You know,
21 and I think they're shocked by that a little bit.

22 Q. It sounds like from what you told me,
23 but correct any misimpression that I have, but they
24 have a reasonably good or strong relationship with
25 their father?

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1 A. Of course they do.
 2 Q. And that's kind of continued from that
 3 time up to today?
 4 A. Of course. Of course.
 5 Q. I may be done.
 6 A. I just wonder why, you know there were
 7 questions about my kids. Is it okay to ask that
 8 question?
 9 Q. Well, let me ask you this.
 10 A. Sure.
 11 Q. You're living next to that baseball
 12 field where Trooper Rivera was an assistant coach and
 13 I'm now talking about the year 2012, the year 2013.
 14 Were you making efforts to sort of get your kids to
 15 go out to the baseball field and watch the baseball
 16 games and see Trooper Rivera and --
 17 A. We never had time. My job was to be at
 18 the softball field in my backyard or another softball
 19 field if it was an away game.
 20 Q. Were you trying to, without being cruel
 21 about it, were you trying to keep the kids away from
 22 Rivera or did you want them to mix at that point?
 23 A. I did not. They knew that their mother
 24 had an affair, their father told them.
 25 Q. So if Joel was concerned on the day

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1 would that be a reasonable concern in your view for
 2 Joel to have had at that point?
 3 A. Well, as their parent, any parent would
 4 say of course. I -- you know, knowing how things
 5 were going then, I knew that -- what my kids' rhythms
 6 were, right? So that was not -- it never entered my
 7 mind even to say to him, you know, I beg you to not
 8 be volunteer coach anymore because my kids might see
 9 you. That never occurred to me know what our rhythm
 10 was. We would literally go from the high school
 11 field to the little league field. There was no
 12 opportunity.
 13 Q. No, but my question, could you
 14 understand if Joel was concerned about that that
 15 day --
 16 A. Of course.
 17 Q. -- you could understand that?
 18 A. Oh, yeah. Absolutely. Any parent in
 19 that situation, that would be -- I mean forget me,
 20 how I -- whether I -- what was happening between me
 21 and the guy, the kids were the most important thing.
 22 Yeah.
 23 MR. LOUGHRY: Ms. Martinez, I want to
 24 thank you very much. This was very difficult for
 25 you. It was not easy for me. So thank you for your

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1 April 13th when he saw Trooper Rivera there, if he
 2 was concerned, for example, about Rivera being there
 3 because he really didn't want -- if the kids happened
 4 along, he didn't want the kids to see to Rivera --
 5 A. I understand that.
 6 Q. -- do you think that was a legitimate
 7 concern on Joel's part?
 8 MR. MARSHALL-OTTO: I'm going to object
 9 to the form. It was April 26th, just for the record.
 10 BY MR. LOUGHRY:
 11 Q. I'm sorry. April 26th, that day, which
 12 is the first time that you had seen Rivera and Joel
 13 in the same place, right, since all of the chaos of
 14 the many, many months, actually a couple years or a
 15 year and some months ago, right?
 16 A. Um-hum.
 17 Q. Am I right?
 18 A. Yep.
 19 Q. So I think what you're telling me, tell
 20 me if I'm wrong, that if Joel was concerned that day,
 21 you know, by seeing Trooper Rivera that maybe the
 22 kids would come along after school or something and
 23 run into him, that that was of some concern to Joel
 24 because he thinks that that might have upset the kids
 25 or bring back some trauma or something like that,

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1 time.
 2 The other counsel may have questions
 3 for you. I don't know.
 4 (EXAMINATION OF MS. MARTINEZ BY MR. MARSHALL-OTTO:)
 5 Q. I do, I have a few questions. It's not
 6 going to be any new material, I just want to clarify
 7 a couple things that Mr. Loughry asked you.
 8 My name is Kai Marshall-Otto. I'm from
 9 the New Jersey Office of the Attorney General. I'm a
 10 deputy attorney general there, and in this case I
 11 represent Trooper Jose Rivera.
 12 I'm just going to ask you a few
 13 questions to clarify a few things. It should not
 14 take long at all, maybe ten minutes.
 15 And some of my questions will be pretty
 16 simple yes or no kind of questions, so if they are,
 17 I'll just indicate that.
 18 First question I had. Earlier in the
 19 deposition, close to the beginning, you mentioned the
 20 phrase or the term pain that was caused by your
 21 relationship with Jose, specifically pain that was
 22 caused to Joel. I want to get down into that a
 23 little bit more.
 24 Was Joel angry about the relationship
 25 you had with Jose?

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1 A. He was not happy that I violated our
2 vows of marriage, of course, so I think anybody would
3 be upset, would be unhappy with the person who harmed
4 that --

5 Q. Understood.

6 And what I'm trying to get at is kind
7 of the specific emotion because some people react to
8 different situations differently. You know, with
9 sadness, they may become morose or they might become
10 the opposite and get really angry. You know,
11 situations affect people differently.

12 A. Yeah.

13 Q. So with respect to Joel, would you say
14 his reaction was more sadness or anger or something
15 different?

16 A. Well, there was a lot of different
17 emotion that ran through our home. I think we lived
18 together for over a year after he found out about the
19 affair and it was hard because I think that there was
20 a lot of complicated story lines through there. I
21 hate to say that, like to use that word, but there
22 was our marriage and there was us being parents and
23 us realizing that we wouldn't have this unit that we
24 thought we might to raise our kids in the way that
25 you feel is important when you do decide you're going

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1 to get married and start having children. There was
2 also, you know, I hadn't -- not that I -- I don't
3 think I'm a selfish person, you might look at what I
4 had done and you might say, well, you're very selfish
5 because you had a relationship with somebody --

6 Q. I just want to ask you a yes or no
7 question with respect to this.

8 A. Sure.

9 Q. So would it be fair to say that with
10 respect to Joel's emotions, that he experienced a
11 range of emotions that included anger as a result of
12 what happened between you and Jose?

13 A. Yes. But again, I feel and I feel like
14 when I was answering the other counselor's questions
15 that you have to know the person and I have to
16 understand exactly what you're talking about, and I'm
17 bright enough to understand what's happening here
18 now, but it's just hard to -- it's hard to answer
19 that question because there is understandable emotion
20 around the disappointment that I was in the contract,
21 we'll say, in our marriage. Right?

22 Q. I absolutely understand. I understand
23 that with these kinds of things, there is no limit to
24 the amount of gray areas that we encounter --

25 A. Yeah.

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1 Q. -- and that, you know, emotions can
2 often be justified. So I'm trying really to get to
3 the facts to the best of your recollection. And I
4 think you answered my question.

5 I want to move on. You testified
6 earlier with respect to the night that Joel learned
7 of your affair with Jose, that you didn't go home
8 that night because you were scared.

9 What were you scared of?

10 A. Confronting my husband who had learned
11 about what I was doing.

12 Q. Were you afraid of what might be done
13 to you or facing up to the situation?

14 A. Just facing it. Honestly, call me
15 super -- super just caught up in it and super naive.
16 I was not thinking about how I was ever going to
17 confront the situation or -- because at some point if
18 you fall in love with another person you're not
19 married to, you have to deal with it. Right? I was
20 nowhere near ready to deal with it.

21 Q. Got you.

22 On April 26, 2013, do you recall at
23 some point saying, and I just can't recall if you
24 testified to this today, do you recall at some point
25 saying to Joel something along the lines of you're

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1 not supposed to be here or you shouldn't be here?

2 A. This is on the baseball field now?

3 Q. Back towards the cars, I think, when
4 you encountered them?

5 A. I didn't say that today and I don't
6 remember. I don't remember if I said that that day.
7 I definitely know and hope it's okay to go that, what
8 I definitely knew that day was that I was surprised
9 he was there. It made sense to me what he said, he
10 was just going to -- he was swinging by to pick up a
11 suitcase on the way to a flight. That made sense to
12 me, but it's hard when you don't communicate with
13 somebody. But I knew, you know, there were times
14 when I knew he would come by to grab a few more
15 things and then a few more things so he could begin
16 to really remove everything from the house. So I
17 don't know why he didn't tell me, but we definitely
18 were not communicating about a lot of things.

19 Q. Would it refresh your recollection if I
20 asked you whether it was your understanding that
21 Trooper Rivera believed Joel to be trespassing that
22 day because you stated something along the lines of
23 you're not supposed to be here?

24 MR. LOUGHRY: Objection to form.

25 THE WITNESS: I think I understand the

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1 question.
 2 And you actually have jogged my memory.
 3 So there is a question that you asked me earlier
 4 about how long had it been since I had communicated
 5 with Jose, and you're helping me to remember that,
 6 you know, I told him that he moved out. But I
 7 couldn't tell you when that happened, you know,
 8 because I know that we -- Joel and I lived together
 9 and he wanted to continue to try to salvage our
 10 marriage. And it was a really -- it was a really
 11 complicated year and change of course and -- and it
 12 was an important time because it helped me to
 13 understand really who I married and -- in all
 14 positive ways. Right? But at the same time, you're
 15 asking me a question that helps me to recall that I
 16 was in touch with Jose at some point where he did
 17 know that Joel no longer lived there. So I don't
 18 remember. You know, if someone said to you, if Jose
 19 said to you, and that's probably what happened since
 20 you're asking, if I said you're not supposed to be
 21 here, what are you doing here, it's because if I was
 22 surprised he was there, right, 3:30, I think people
 23 have a lunch break although a little earlier than
 24 that. And be it he didn't live there, but I don't
 25 remember if I used those words, to answer that

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1 that's hard to deal with. And I would say that with
 2 me, even today, they will bring him up and it's more
 3 about what happened in our lives.
 4 Q. Do they still use the term the H-Man?
 5 A. They do. But it's, like I said, it's
 6 about when you used to speak to the H-Man. It's not
 7 like it used to be. You know? So as their mom, I
 8 can't help but just be glad that they're stepping
 9 into like the next decade, you know, so.
 10 Q. Do you recall whether that name, the
 11 H-Man, was an invention of Joel or the kids?
 12 A. I was just thinking of that question
 13 before you asked it and I don't know.
 14 Q. It just came to be?
 15 A. Yeah. I have no idea who made it up.
 16 Q. Fair enough.
 17 Another question, and I'm sorry I'm
 18 jumping around a little bit, I'm just touching on
 19 different topics that Mr. Loughry touched on.
 20 There was a discussion earlier about
 21 when Trooper Rivera said: You're trespassing to
 22 Joel. And it sounded like somehow, and it was
 23 unclear and I think maybe you didn't quite recall,
 24 but somehow you corrected him and indicated that no,
 25 he wasn't trespassing, is that right?

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1 question.
 2 BY MR. MARSHALL-OTTO:
 3 Q. Fair enough.
 4 Did Joel or your kids call Jose the
 5 H-Man?
 6 A. They still do.
 7 Q. They still do.
 8 And what does that mean?
 9 A. Well, it's Jose. Right? So when my
 10 kids were four, six and seven, they were not -- they
 11 would have probably said their dad's name was spelled
 12 H-O-E-L. Right? So that's why they called him the
 13 H-Man, because you say Jose or Joel. They were not
 14 thinking about the actual spelling of his name.
 15 Q. Did it have a negative connotation at
 16 the time?
 17 A. It always -- well, they didn't start
 18 calling him that until it's almost like it was a
 19 word -- that's a word we can't say. Right?
 20 Q. Like a villain?
 21 A. They didn't call him the H-Man before.
 22 They started calling him that because they didn't --
 23 they wanted to communicate with their father a lot
 24 about him because, of course, kids are going to have
 25 questions if their parents give them information

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1 A. I don't remember.
 2 Q. Am I characterizing that right?
 3 A. I don't remember what I said, but I
 4 think I basically was trying to create, you know, a
 5 bubble around all of us. Like listen guys, we know
 6 exactly what's happening right now.
 7 Q. But did you clear the air about whether
 8 he was trespassing or not or maybe was that more
 9 implied?
 10 A. No. I mean I told him -- I think -- I
 11 don't remember if Joel brought up what he was doing
 12 there, but Jose knew that Joel would come to the
 13 house to see the kids and that all his stuff wasn't
 14 out of the house. Now that I'm remembering that I --
 15 you know, he would like -- he would like drop in to
 16 see if I was okay. And usually that was a phone
 17 call.
 18 Q. Joel would do that?
 19 A. No, Jose.
 20 Q. Jose. Okay.
 21 A. So even after we were not in that same
 22 kind of relationship, and the reason that I had that
 23 feeling that what had -- what we had experienced was
 24 a very powerful, meaningful thing is because of him
 25 just wanting me to be okay. And so I -- you know, in

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1 the conversation about I might not have all the
2 answers now, I might have bad days sometimes and it's
3 not easy to deal with this mess that I find myself
4 in, I know that, you know, I definitely always told
5 everybody that Joel was still super present in his
6 kids' lives, you know.

7 So getting back to your question. I
8 don't remember if I clarified that with them. I
9 don't remember. But I know that -- you know, I know
10 that Jose knows it was a difficult situation to live
11 with Joel. And you actually helped jog my memory of
12 that. I don't remember when it was. I mean I'm sure
13 Joel knows the date, he used a U-haul, right, to move
14 out.

15 Q. And this is a loaded question, but to
16 the best of your ability, what was difficult about
17 living with Joel? Was he abusive?

18 A. No. We were dealing with knowing --
19 him knowing that I had not just sex but I had fallen
20 in love with another man.

21 Q. So this was subsequent to his learning
22 of the affair that --

23 A. Yeah.

24 Q. I was taking it as it had been
25 difficult for some time.

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1 A. No, we moved out of the Kirby House and
2 into another house on the block, but not the same
3 house that, you know, he moved out of. No. No. No.
4 We did move into the house, I'm sorry. We moved from
5 the Kirby House, which is the dorm, into 25 Woods
6 Drive. And I had said to him, you know, maybe this
7 is a good transition point because maybe we can kind
8 of gather ourselves.

9 And we were going to counseling, we had
10 two different marriage counselors who were -- had two
11 very different takes on things. And it was helpful,
12 but sometimes it wasn't helpful when we still hadn't
13 resolved a lot of things and we were in each other's
14 space. So since we were moving from the dorm to the
15 house more removed from students, I had asked him to
16 not follow me to 25 Woods Drive. And I honestly --
17 not that I thought we were going to save our marriage
18 and honestly I, in my own mind, I was back and forth
19 about whether that was even my goal or not just
20 because of how I felt about what I wanted and what I
21 felt about Jose. Right? To say nothing of the
22 really -- you know, my commitment to keeping my
23 family together. There was just a lot going on.

24 Q. I think you answered my question.

25 A. Okay.

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1 Q. I have just two more brief questions.

2 You talked about Jose caring for you
3 and continuing to check up on you.

4 So would it be fair to say that Jose
5 cared for you very deeply?

6 A. Yes.

7 Q. And when Joel was being arrested, you
8 talked about making a personal appeal to Jose that he
9 not continue with the arrest.

10 A. I did.

11 Q. Do you think personally knowing Jose
12 that if he felt that he didn't have to, in his duty
13 as a trooper, arrest Joel, that he would have?

14 A. Well, this is the hardest question I've
15 been asked today. I don't know if it's fair. I
16 think I have said many times today I struggle to
17 answer questions and I keep talking about like, you
18 know, mental and emotional state and place and I
19 just -- I feel that it's so hard to answer some
20 questions because you are not him and you are not me.
21 And it was so chaotic. I feel really uncomfortable,
22 you know, answering that question. I don't have the
23 training. I don't have the --

24 Q. And here is what I'm trying to get at.
25 I'm asking for your personal opinion

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1 based on your personal relationship with Jose. I
2 don't want you to talk about, you know, the legal
3 justification for an arrest or anything like that.

4 Knowing Jose, you know, when you made a
5 personal appeal to him person to person, said please
6 don't arrest him, do you think he as a person would
7 have preferred to listen to your appeal rather than
8 arrest him, if he could?

9 A. I thought about this question a lot
10 because I don't know why he wouldn't really consider
11 our relationship and I don't know the answer.

12 Q. Do you think it might be because he was
13 in uniform and on duty and his duties as a trooper
14 superseded that of his personal life?

15 A. The question is getting more complex
16 and I feel less comfortable and less confident
17 answering the question.

18 I understand what you're saying and I,
19 you know, just don't feel comfortable answering your
20 question.

21 Q. Well, I need you to answer it to the
22 best of your ability. I understand it's
23 uncomfortable, but I need you to try to answer.

24 Or you can say that you don't know.

25 A. I don't know.

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1 Q. Okay.

2 A. That's what I'm saying, I'm not saying

3 I'm trying to avoid the question.

4 Q. Fair enough.

5 A. I just don't know.

6 Q. That's fair. And I can't force you to

7 answer something you don't know.

8 Mr. Loughry was asking you earlier

9 about the question of whether or not Joel put his

10 hand on Jose and specifically about this kind of

11 brief time when you turned away to look at or walk

12 toward Mr. Goldenberg or G, and I believe you

13 testified that your perception or recollection of the

14 incident was that you only lost, and this may have

15 been on the recording, that you only lost visual

16 contact with Joel and Jose for maybe a second, is

17 that right?

18 A. I would say at that point it felt like

19 I'm looking back, but --

20 Q. It felt very brief, right?

21 A. Yes.

22 Q. And then didn't you also testify that

23 this whole incident, because of the intensity of it,

24 you felt that it could have either been two minutes

25 or two hours, so time was kind of distorted?

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1 A. I said that, but I have to -- but I

2 don't know -- I could talk to you about everything

3 that I saw and heard from the moment I got there to

4 the end, so that --

5 Q. Understood. And I'm not questioning

6 that.

7 What I'm trying to get at, is it

8 possible that the time you turned away may have felt

9 like a second, but could it have been three seconds

10 or two seconds or five seconds?

11 Can you know for certainty that it was

12 one second or could it have been a little bit longer

13 based on the distortion of time that occurred with

14 the intensity of these events?

15 A. I don't think so. I looked and I

16 looked back because he was -- like when I said he

17 zoomed away, I don't know -- I mean maybe he was

18 afraid of what was going on, I have no idea, but I

19 was shocked that he was just gone in a flash.

20 Q. I want to do a quick demonstration for

21 you and then I'm done.

22 Was the time that you looked away

23 shorter than that (indicating)?

24 A. I can't know that.

25 Q. But, you know, to glance away, could it

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1 have been -- and for the record, I'm grabbing my

2 wrist very quickly.

3 A. I couldn't know that.

4 Q. Couldn't know?

5 A. I don't know.

6 Q. Okay. Is it possible?

7 A. It's possible that they could have

8 kissed too. I don't know. I don't know.

9 Q. And that's what I'm trying to get at,

10 is it possible that in a very short period of time

11 something can quickly happen?

12 A. Based on where we were, they were not

13 on top of each other, you know. We had enough

14 spacing that I wasn't feeling that I needed to get

15 between them either. And I hate to even like fluff

16 it out and keep talking about it, but I do feel like

17 I'm being, you know, from both of you -- I understand

18 why, I get what's happening, but I also have to kind

19 of like just like defend myself. And I'm not trying

20 to say things because I'm not saying things. I'm not

21 trying so say just so it's possible so I'm saying it.

22 This is all very complicated. But based on where we

23 were standing, I felt that we were at a safe space

24 from one another to be able to have what was a super

25 intense exchange. Right? And actually I was the one

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1 meddling, right? It was their issue, it was their

2 exchange. But I was able to say in the recording

3 back then, and I still am now, that being there and

4 knowing my, you know, the timing, the spacing, I

5 never even -- you know when you get that sense that

6 something happened? I can't tell you that I did, but

7 I was also very truthful that I was like -- wanted to

8 call to G, but he was gone in a flash.

9 Q. Okay.

10 A. I just thought it was his role. I mean

11 if I were the AD, I'd be what the hell is happening

12 right here. That is our baseball team, what is

13 happening. But I felt like he ran from the

14 situation.

15 MR. MARSHALL-OTTO: Well, thank you.

16 That's all I have. And Justin might have a couple

17 follow-ups.

18 (EXAMINATION OF MS. MARTINEZ BY MR. LOUGHRY:)

19 Q. Just based on that, because when we

20 were going over the tape, Ms. Martinez, and correct

21 me if I'm wrong, I'll bring it back if you want, the

22 exert, what you said on the tape was that you saw

23 Joel and Jose kind of moving in the direction of

24 Goldenberg. And that's when you glanced over at

25 Goldenberg. Right?

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1 A. Um-hum.
 2 Q. And the glance was very brief?
 3 A. Um-hum.
 4 Q. And then you turned back?
 5 A. Of course. I was there with him. It
 6 was -- I think I used walking, but it was like --
 7 it's almost like if I wanted to -- hey -- like
 8 approaching --
 9 Q. And that wasn't the moment of the
 10 arrest, was it, from what you said on the tape?
 11 A. It wasn't. I --
 12 Q. Because then Martinez and Rivera, they
 13 moved back in the other direction?
 14 A. To the cars.
 15 Q. To the cars. Right?
 16 And it was after they moved back in the
 17 other direction that he was arrested.
 18 A. Yeah.
 19 Q. So this glance that you took over at
 20 Goldenberg was separated in time, a number of
 21 seconds, before anything happened between them
 22 physically, wasn't it?
 23 A. From what I saw.
 24 MR. LOUGHRY: Yes. Okay. That's all.
 25 Thank you.

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1 CERTIFICATE
 2
 3 I, Theresa Mastroianni Kugler, a Notary Public
 4 and Certified Shorthand Reporter of the State of New
 5 Jersey, do hereby certify that prior to the
 6 commencement of the examination,
 7 VICKY MARTINEZ,
 8 was duly sworn by me to testify the truth, the whole
 9 truth, and nothing but the truth.
 10 I DO FURTHER CERTIFY that the foregoing is a
 11 true and accurate transcript of the testimony as
 12 taken stenographically by and before me at the time,
 13 place, and on the date hereinbefore set forth, to the
 14 best of my ability.
 15 I DO FURTHER CERTIFY that I am neither a
 16 relative nor employee nor attorney nor counsel of any
 17 of the parties to this action, and that I am neither
 18 a relative nor employee of such attorney or counsel,
 19 and that I am not financially interested in the
 20 action.
 21
 22
 23
 24 Theresa Mastroianni Kugler, C.S.R.
 Notary Public, State of New Jersey
 My Commission Expires May 5, 2021
 Certificate No. XIO857
 25

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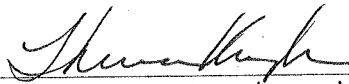
1 MR. MARSHALL-OTTO: I believe you're
 2 all set.
 3 (Witness excused)
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Pages 106 to 108

C E R T I F I C A T E

I, Theresa Mastroianni Kugler, a Notary Public and Certified Shorthand Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place, and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



Theresa Mastroianni Kugler, C.C.R.
Notary Public, State of New Jersey
My Commission Expires July 15, 2021
Certificate No. XI0857